

# CITY OF HUNTSVILLE, TEXAS

J. Turner, Mayor



Dalene Zender, Position 1  
Melissa Templeton, Position 2  
Charles Forbus, Position 3  
Lanny D. Ray, Mayor Pro Tem

Tom Cole, Ward 1  
Mac Woodward, Ward 2  
Jack Wagamon, Ward 3  
Wayne Barrett, Ward 4

## HUNTSVILLE CITY COUNCIL AGENDA WORK SESSION (5:00PM) REGULAR SESSION (6:00PM) TUESDAY, JUNE 15, 2010

COUNCIL CHAMBERS  
HUNTSVILLE CITY HALL, 1212 AVENUE M

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

### WORKSHOP SESSION [5:00PM]

The Council will discuss the Texas Municipal Retirement System. [Winston Duke, Finance Director]

### REGULAR SESSION [6:00PM]

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

*U.S. Flag*

*Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

#### 3. INVOCATION

#### 4. PROCLAMATIONS AND PRESENTATIONS

#### 5. PUBLIC COMMENT

#### 6. PUBLIC HEARING

- a. The City Council of the City of Huntsville, Texas will hold a Public Hearing to consider an updated version of Chapter 2 of the Comprehensive Plan, on which Huntsville City Council plans to take action. [Aron Kulhavy, Director of Public Works]
- b. The City Council of the City of Huntsville, Texas will hold a Public Hearing to consider an amendment to the Development Code, Chapter 11, Sign Standards, regarding Section 1104.5. Height Limitations and Measurements. [Aron Kulhavy, Director of Public Works]

#### 7. CONSENT AGENDA

*(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council. Except as otherwise provided, no ordinance shall be finally passed until considered at two Council meetings unless by the affirmative vote of a two-thirds (2/3) majority of the Council qualified and serving. One reading shall be required for an ordinance relating to the adoption or amendment of a budget; the assessment, levy or collection of taxes; the calling of an election or the canvassing of the returns and declaration of the results of an election; or an emergency.)*

- a. Approve the minutes of the City Council meeting held on the 1<sup>st</sup> of June 2010. [Lee Woodward, City Secretary] p. 1-6
- b. Approve donation of \$4000 by Tarek Maalouf for 50' flag pole, flags, and lighting at City Hall. [Dr. Sherry McKibben, Community Development Specialist] p. 7-8
- c. Approve Ordinance 2010-38 amending the budget for FY09-10. [Winston Duke, Finance Director] p. 9-11
- d. Approve Ordinance 2010-39 to accept changes to the Employee Policy and Procedures Manual, 1<sup>st</sup> reading. [Winston Duke, Finance Director] p. 12-90
- e. Approve Ordinance 2010-39 to amend the traffic schedule for No Parking signs on Nottingham, 1<sup>st</sup> reading. [Aron Kulhavy, Director of Public Works] p. 91-95
- f. Consider recommendation of the Planning and Zoning Commission for denial of a request to modify Chapter 11 of the Development Code, more specifically to increase the distance of allowance of signs up to 42 1/2' in height along I-45. [Aron Kulhavy, Director of Public Works] p. 96-100
- g. Approve Resolution 2010- to accept revisions to Chapter 2 of the Huntsville Horizon Comprehensive Plan. [Aron Kulhavy, Director of Public Works] p. 101-104

#### 8. MAYOR/CITY COUNCIL AND CITY MANAGER REPORT

- a. *Presentation, discussion and possible action* to approve the nomination of Candy Dixon and Douglas Wright to the Cemetery

- Board to fill vacated positions. [Mayor Turner]
- b. City Manager's Report
1. Library update
  2. Update on plasma-arc
  3. Update on dam at Club Lake

**9. PUBLIC COMMENT**

**10. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**

**11. ITEMS OF COMMUNITY INTEREST**

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

**12. EXECUTIVE SESSION**

- a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551; Section 551.071 – consultation with counsel on legal matters including legal issues on current and pending litigation, including City of Huntsville v. Huntsville/Walker County Chamber of Commerce, et al; and Wes Altom v. City of Huntsville, et al.. [Leonard Schneider, City Attorney]

**13. RECONVENE**

- a. Take action, if necessary, on the item 12a addressed during Executive Session.

**14. ADJOURNMENT**

\*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code.

If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

**CERTIFICATE**

I, Lee Woodward, City Secretary, do hereby certify that a copy of the June 15, 2010, City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.huntsvilletx.gov](http://www.huntsvilletx.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: \_\_\_\_\_  
TIME OF POSTING: \_\_\_\_\_ am/pm

TAKEN DOWN: \_\_\_\_\_ am/pm

\_\_\_\_\_  
Lee Woodward, City Secretary

**MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 1<sup>st</sup> DAY OF JUNE 2010, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6PM.**

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Mac Woodward, Jack Wagamon, Dalene Zender, Melissa Templeton, Charles Forbus, Lanny Ray, Wayne Barrett, Tom Cole

COUNCILMEMBERS ABSENT: none

OFFICERS PRESENT: Bill Baine, City Manager; Leonard Schneider, City Attorney, Lee Woodward, City Secretary

**REGULAR SESSION [6:00PM]**

**1. CALL TO ORDER**

The Mayor called the meeting to order at 6pm.

**2. PLEDGE OF ALLEGIANCE**

**3. INVOCATION**

Councilmember Barrett gave the invocation.

**4. PROCLAMATIONS AND PRESENTATIONS**

The Mayor presented Proclamation 2010-49 in honor of Cancer Survivors' Day.

**5. PUBLIC COMMENT**

Tarek Maalouf spoke in support of keeping all current water rights.

Delora King spoke in support of City Manager Bill Baine and the City Council, and listed many accomplishments of each.

G.W. Bill Gibson spoke in support of the Council, and of his irritation with the newspaper's lack of printing letters expressing a positive view of the City Council.

**6. CONSENT AGENDA**

*(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on the 18<sup>th</sup> of May 2010. [Lee Woodward, City Secretary]
- b. Approve Ordinance 2010-36 to approve stop signs on Avenue O at 21<sup>st</sup> Street, 2<sup>nd</sup> reading. [Aron Kulhavy, Director of Public Works]
- c. Approve Ordinance 2010-37 to approve No Parking signs on the north side of 1<sup>st</sup> Street from MLK to Bernice Street, 2<sup>nd</sup> reading. [Aron Kulhavy, Director of Public Works]
- d. Approve Ordinance 2010-31 on the proposed amendment to Section 24-1 Regulations Adopted of the Code of Ordinances, 2<sup>nd</sup> reading. [Aron Kulhavy, Director of Public Works]
- e. Approve the engagement of the law firm of Bickerstaff, et al, for legal services related to water supply projects not to exceed \$25,000 for initial phase. [Carol Reed, Director of Public Utilities; Leonard Schneider, City Attorney]
- f. Approve tap fee waiver in accordance with previous informal agreements. [Aron Kulhavy, Director of Public Works]
- g. Authorize City Manager to approve Schenck Builders LLC, Conroe, Texas to construct low income housing with TDHC grant funds with City matching requirements. [Winston Duke, Finance Director]
- h. Authorize the City Manager to apply for, accept if awarded, and implement the H-GAC Solid Waste Management grant for Recycling Carts. [Dr. Sherry McKibben, Community Development Specialist]
- i. Authorize the City Manager to apply for, accept if awarded, and implement the H-GAC Solid Waste Management grant for Recycling Center Improvements. [Dr. Sherry McKibben, Community Development Specialist]
- j. Approve Resolution 2010-27 and authorize the City Manager to apply for, accept upon award, implement, and execute the Interlocal Agreement with Walker County for the 2010 Edward Byrne Justice Assistance Grant (JAG). [Dr. Sherry McKibben, Community Development Specialist]
- k. Authorize the City Manager apply for, accept if awarded, and implement the Office of Justice Bullet Proof Vest Grant. [Dr. Sherry McKibben, Community Development Specialist]
- l. Ratification of the application for, and authorization to accept, if awarded, and implement the Assistance to Firefighter Grant. [Dr. Sherry McKibben, Community Development Specialist]
- m. Approve abandonment of the Shepherd Drive Right-of-Way in the Forum Sam Houston plat as approved, in the preliminary plat, by the Planning and Zoning Commission. [Aron Kulhavy, Director of Public Works]

Councilmember Ray made a motion to approve the consent agenda. Councilmember Forbus seconded the motion.

Aron Kulhavy, Director of Public Works, said that staff would like to remove item f for review by the City Attorney.

Councilmember Forbus asked that staff cover each of the Consent Agenda items and tell what the item did to improve the City.

Mr. Kulhavy reviewed items b-d, saying that items b and c were designed to improve safety and reduce speed, due to concerns of the citizens. Mr. Kulhavy said item d was a cleanup to the Code of Ordinances. Councilmember Forbus thanked Mr. Kulhavy for his efforts.

Jason Pierce, Water Superintendent, said item e was to increase income to the City.

Winston Duke, Finance Director, discussed item g, and the receipt of a half-million dollar grant to rebuild homes. Councilmember Forbus said he had seen photos of the potential homes, and thanked the staff for their work. Councilmember Woodward clarified that the City was investing \$21,000 in a cash match, and \$42,000 in in-kind services into a project that would then go to a commercial builder. Councilmember Woodward said he supported low-income housing and putting added value properties back on the tax rolls, but he wanted the Council to be consistent about these projects. Councilmember Wagamon was told the grant was federal stimulus money, and the City was complying with grant requirements.

Dr. Sherry McKibben, Community Development Specialist, said the carts grant was to expand recycling into an additional neighborhood, and the recycling center improvements was to build a facility so that materials could be sorted. Dr. McKibben said the cart grant was about \$60,000-70,000, and the center grant would be \$250,000-300,000, and a match was not required.

Dr. McKibben said the City and the County alternated applying annually for the JAG grant in item j, and then split the grant equally.

Dr. McKibben said item k was to replace bulletproof vests, which had a five-year warranty, and this grant paid for half the cost of twelve vests. Councilmember Forbus thanked her.

Dr. McKibben said the assistance to firefighters was biennial, and would be for firefighter radios and pagers that worked in conjunction, and were compliant with new FAA rules. Councilmember Forbus thanked Dr. McKibben. The city Manager discussed the sunset clause on the current equipment, and that this was designed to help in preparation for emergency management.

Mr. Kulhavy addressed item m, saying this would take the street off the City's maintenance log.

Councilmember Forbus commented that the City had a great staff that did a great job, and thanked them all.

The motion was approved unanimously, with item f not included.

## **7. MAYOR/CITY COUNCIL AND CITY MANAGER REPORT**

### **a. *Presentation and discussion* on Trinity River Authority (TRA)-City of Huntsville water contracts. [Councilmember Woodward, City Attorney Leonard Schneider, Director of Public Utilities Carol Reed]**

Councilmember Woodward provided a brief history of the water contracts of the City with the Trinity River Authority (TRA) from the 1976 agreement through the 2006 agreement to take an additional 10mgd. Councilmember Woodward said he felt the City was in a good position, and that water is a long-term project, and also pointed out his feeling of the benefit from the Tenaska contract.

Councilmember Woodward said the only vague part of the agreements might be that the City would be able to get the water after 2020, and also suggested beginning plant improvements now, as water will likely be much more expensive when renegotiated.

The Mayor said he would like to add that the 1998 contract for the additional 6mgd is at a higher rate than the additional 10mgd, now at just over \$.10/1000gal., and that Tenaska is charged a little over \$.50/1000gal. The Mayor presented tables (below) discussing proposed usage and potential population growth, and water production and rainfall. He noted that the City is currently paying for 26mgd, that he thought the 10mgd price is a good deal and benefits the City, but that using only around 14mgd meant they should take a hard look at the 6mgd contract.

2005 6.31 MGD

TRINITY RIVER AUTHORITY  
LAKE LIVINGSTON PROJECT

25% of 314  
30% of 252

RAW WATER SALE TO CITY OF HUNTSVILLE  
MANAGEMENT PROPOSAL SUBJECT TO BOARD APPROVAL \*

Current 10 MGD Plus 10 MGD Option Until 2020 and 25 MGD Until 2050 @ 30% Ultimate Charge

Projected Demand Based on 2.58% Annual Growth and 158 gpcpd.

Includes current 10 MGD in existing contract plus option for an additional 10 MGD through 2020.

Includes standby fee for an additional 5 MGD in new contract through 2020. Purchase 25 MGD from 2021 through 2050 in new contract.

TRA's Total Annual Cost = Current Raw Water Cost + Ultimate Raw Water Cost.

Ultimate Raw Water Cost Based on 30% of the Difference Between Ultimate Volume and Current Volume.

"Current" Amount is delayed until 2021.

\*Note: All terms and conditions subject to TRA Board of Directors approval.

	PROJECTED POPULATION 2.58% GROWTH	PROJECTED CITY DEMAND AVG. DAILY (MGD) 158 GPCPD	PROJECTED DEMAND W/ELLIS, ESTELLE & GOREE (MGD)	WATER SALES AGREEMENT (MGD)	EXISTING CONTRACT 10 MGD 2.83\$/1,000 + (\$/Yr.)	EXISTING CONTRACT 10 MGD OPTION 2.83\$/1,000 + (\$/Yr.)	"CURRENT" RAW WATER COST 29.15\$/1,000 + (\$/Yr.)	"ULTIMATE" RAW WATER COST @ 30% (\$/Yr.)	=	TOTAL ANNUAL COSTS (\$/Yr.)
2000	35,078	5.54	7.46	10						
2001	35,983	5.69	7.57	10						
2002	36,911	5.83	6.98	10						
2003	37,864	5.98	6.71	10						
2004	38,841	6.14	7.16	10						
2005	39,843	6.30	9.55	10						
2006	40,871	6.46	9.74	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2007	41,925	6.62	9.93	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2008	43,007	6.80	10.13	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2009	44,116	6.97	10.33	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2010	45,255	7.15	10.53	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2011	46,422	7.33	10.74	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2012	47,620	7.52	10.96	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2013	48,848	7.72	11.18	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2014	50,109	7.92	11.41	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2015	51,401	8.12	11.64	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2016	52,728	8.33	11.88	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2017	54,088	8.55	12.13	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2018	55,483	8.77	12.38	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2019	56,915	8.99	12.64	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2020**	58,383	9.22	12.90	10+10 Option	\$ 103,295	\$ 103,295		\$ 159,618 (5mgd)		\$ 366,208
2021	59,890	9.46	13.17	14			\$ 1,489,769	\$ 351,160 (11mgd)		\$ 1,840,929
2022	61,435	9.71	13.45	14			\$ 1,489,769	\$ 351,160 (11mgd)		\$ 1,840,929
2023	63,020	9.96	13.74	14			\$ 1,489,769	\$ 351,160 (11mgd)		\$ 1,840,929
2024	64,646	10.21	14.03	14			\$ 1,489,769	\$ 351,160 (11mgd)		\$ 1,840,929
2025	66,314	10.48	14.33	16			\$ 1,702,594	\$ 287,313 (9mgd)		\$ 1,989,906
2026	68,024	10.75	14.64	16			\$ 1,702,594	\$ 287,313 (9mgd)		\$ 1,989,906
2027	69,779	11.03	14.96	16			\$ 1,702,594	\$ 287,313 (9mgd)		\$ 1,989,906
2028	71,580	11.31	15.28	16			\$ 1,702,594	\$ 287,313 (9mgd)		\$ 1,989,906
2029	73,427	11.60	15.62	16			\$ 1,702,594	\$ 287,313 (9mgd)		\$ 1,989,906
2030	75,321	11.90	15.96	18			\$ 1,915,418	\$ 223,465 (7mgd)		\$ 2,138,883
2031	77,264	12.21	16.31	18			\$ 1,915,418	\$ 223,465 (7mgd)		\$ 2,138,883
2032	79,258	12.52	16.67	18			\$ 1,915,418	\$ 223,465 (7mgd)		\$ 2,138,883
2033	81,302	12.85	17.04	18			\$ 1,915,418	\$ 223,465 (7mgd)		\$ 2,138,883
2034	83,400	13.18	17.41	18			\$ 1,915,418	\$ 223,465 (7mgd)		\$ 2,138,883
2035	85,552	13.52	17.80	20			\$ 2,128,242	\$ 159,618 (5mgd)		\$ 2,287,860
2036	87,759	13.87	18.20	20			\$ 2,128,242	\$ 159,618 (5mgd)		\$ 2,287,860
2037	90,023	14.22	18.61	20			\$ 2,128,242	\$ 159,618 (5mgd)		\$ 2,287,860
2038	92,346	14.59	19.03	20			\$ 2,128,242	\$ 159,618 (5mgd)		\$ 2,287,860
2039	94,728	14.97	19.46	20			\$ 2,128,242	\$ 159,618 (5mgd)		\$ 2,287,860
2040	97,172	15.35	19.90	22			\$ 2,341,066	\$ 95,771 (3mgd)		\$ 2,436,837
2041	99,679	15.75	20.35	22			\$ 2,341,066	\$ 95,771 (3mgd)		\$ 2,436,837
2042	102,251	16.16	20.82	22			\$ 2,341,066	\$ 95,771 (3mgd)		\$ 2,436,837
2043	104,889	16.57	21.29	22			\$ 2,341,066	\$ 95,771 (3mgd)		\$ 2,436,837
2044	107,595	17.00	21.78	22			\$ 2,341,066	\$ 95,771 (3mgd)		\$ 2,436,837
2045	110,371	17.44	22.28	25			\$ 2,660,303	\$ -		\$ 2,660,303
2046	113,219	17.89	22.80	25			\$ 2,660,303	\$ -		\$ 2,660,303
2047	116,140	18.35	23.32	25			\$ 2,660,303	\$ -		\$ 2,660,303
2048	119,136	18.82	23.86	25			\$ 2,660,303	\$ -		\$ 2,660,303
2049	122,210	19.31	24.42	25			\$ 2,660,303	\$ -		\$ 2,660,303
2050	125,363	19.81	24.99	25			\$ 2,660,303	\$ -		\$ 2,660,303

\*\* Existing Contract Expires

# 1982-2010 Water Production-Rainfall

MONTH	1982	1982	1983	1983	1984	1984	1985	1985	1986	1986	1987	1987	1988	1988	1989	1989	1990	1990	
	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	
Jan	148,715	1.91	108,095	1.96	110,675	3.71	120,285	3.53	116,034	1.12	111,271	1.65	112,135	1.44	109,011	7.55	116,311	9.97	
Feb	107,431	1.43	99,428	5.19	103,005	4.56	112,007	4.35	107,499	1.40	102,158	4.64	104,356	2.23	111,596	1.24	106,683	3.61	
March	116,731	3.61	106,606	4.60	107,189	4.09	117,644	3.59	130,470	0.36	112,565	1.85	111,232	3.14	114,111	5.21	109,895	6.96	
April	111,442	5.46	115,718	9.26	126,472	0.10	128,968	1.81	127,116	3.75	137,021	0.78	123,277	2.42	122,305	1.15	111,363	4.33	
May	113,537	7.82	145,715	11.17	135,606	7.30	138,556	1.72	114,625	11.46	117,251	5.29	133,491	1.42	118,261	6.40	116,922	2.73	
June	124,973	4.05	114,655	2.87	127,343	6.12	154,031	5.18	111,268	9.25	111,007	7.43	144,500	2.36	118,042	7.26	158,631	1.65	
July	157,028	0.58	105,136	1.89	136,644	3.36	152,402	1.22	174,508	0.09	135,197	2.08	145,677	3.66	154,565	1.70	151,225	3.54	
Aug	158,029	2.94	120,096	10.01	164,627	1.82	162,035	3.98	153,144	6.49	168,815	1.31	166,849	1.31	161,831	1.23	168,662	1.80	
Sept	142,468	3.07	129,891	4.40	161,427	2.70	151,400	2.58	122,911	5.54	131,190	2.21	162,004	1.77	162,272	0.87	145,543	2.97	
Oct	137,295	7.13	123,442	1.80	139,142	11.85	153,577	7.73	125,522	3.03	141,744	0.47	145,801	1.82	148,568	1.44	109,424	1.59	
Nov	115,691	7.95	105,754	2.59	113,155	6.14	117,556	9.11	112,371	6.69	121,127	13.21	117,317	3.56	117,926	1.58	121,761	3.55	
Dec	106,780	4.75	123,734	7.22	115,643	2.63	116,125	2.50	108,813	4.46	106,978	6.15	113,219	3.81	130,123	1.56	125,069	2.98	
Total	Gals/1000	1,530,320	50.70	1,399,412	55.78	1,535,598	50.26	1,605,396	47.31	1,504,278	51.09	1,491,384	46.07	1,576,968	37.36	1,548,810	37.51	1,573,589	45.58
Average	Gals/Day	4,192,855		3,834,005		4,207,113		4,401,085		4,212,310		4,093,682		4,225,940		4,243,333		4,312,052	
Peak	Gals/Day	5,998,000		5,155,000		6,431,000		6,226,000		7,182,000		6,079,000		6,163,000		7,340,000		6,506,000	
Peaking Factor		1.431		1.345		1.529		1.417		1.743		1.483		1.425		1.730		1.509	

MONTH	1991	1991	1992	1992	1993	1993	1994	1994	1995	1995	1996	1996	1997	1997	1998	1998	1999	1999	
	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	
Jan	116,809	11.96	116,647	7.00	107,399	8.05	110,292	2.57	124,360	6.20	130,130	1.89	134,126	3.99	163,689	5.83	161,730	4.54	
Feb	101,396	5.04	118,209	8.15	102,100	1.80	107,542	3.52	116,459	1.66	130,956	0.60	161,771	6.50	171,767	5.29	174,102	0.21	
March	112,619	2.50	118,000	4.47	115,084	4.52	122,339	2.75	129,178	6.30	145,067	0.62	165,333	5.73	185,002	1.86	191,669	4.25	
April	112,942	7.24	132,969	5.89	115,963	4.50	130,809	3.11	129,065	3.90	150,407	3.82	166,714	3.61	185,915	2.92	206,132	2.48	
May	116,096	3.39	117,534	2.90	112,802	7.39	129,470	4.75	144,228	4.64	173,714	0.23	184,350	1.96	231,168	0.04	218,568	4.90	
June	127,548	4.32	123,406	1.93	115,958	8.87	134,601	6.24	139,427	3.13	169,445	2.33	181,307	8.39	264,381	1.03	220,153	5.45	
July	140,979	2.68	152,011	2.52	159,534	0.21	193,537	0.41	168,591	6.68	170,189	2.21	230,669	0.10	295,309	1.75	225,186	7.26	
Aug	149,856	7.03	154,893	1.74	186,011	2.55	152,140	7.06	150,279	3.25	165,998	6.94	230,056	4.29	246,559	6.25	295,401	1.65	
Sept	137,409	6.58	137,865	3.62	165,766	1.32	155,730	2.54	165,693	4.16	147,337	7.74	207,756	3.91	217,937	7.45	252,223	3.32	
Oct	147,564	1.22	147,224	1.26	137,805	6.01	144,818	15.94	151,256	1.58	160,148	3.04	199,632	3.56	199,062	7.90	200,845	1.71	
Nov	119,135	3.86	113,037	7.84	111,702	3.23	127,635	0.86	131,075	2.11	137,803	3.68	179,443	4.84	173,193	10.60	206,611	0.94	
Dec	106,967	8.67	108,139	4.37	107,623	4.73	124,930	10.73	132,960	4.60	130,565	3.49	178,667	4.45	173,820	3.44	195,247	1.68	
Total	Gals/1000	1,476,740	64.42	1,511,814	52.69	1,543,897	53.74	1,631,696	60.48	1,702,799	49.44	1,615,047	35.69	2,360,456	53.43	2,526,163	54.98	2,598,127	39.59
Average	Gals/Day	4,045,853		4,142,038		4,229,690		4,470,405		4,665,195		4,472,732		6,193,030		6,928,474		7,120,348	
Peak	Gals/Day	5,911,000		6,027,000		6,840,000		7,455,000		8,999,000		6,671,000		9,210,000		10,447,000		10,156,000	
Peaking Factor		1.456		1.455		1.570		1.666		1.992		1.342		1.437		1.506		1.425	

MONTH	2000	2000	2001	2001	2002	2002	2003	2003	2004	2004	2005	2005	2006	2006	2007	2007	2008	2008	
	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	Gals/1000	Rainfall	
Jan	199,921	1.85	204,230	6.00	182,231	1.91	182,860	1.40	177,489	5.84	197,097	4.06	214,858	4.48	204,287	9.86	209,680	3.40	
Feb	192,805	2.32	189,673	1.24	144,955	1.95	164,496	3.28	199,961	5.89	180,203	6.38	167,759	3.73	164,901	0.56	203,122	3.90	
March	191,777	3.55	207,376	6.55	206,998	2.82	182,850	1.96	207,450	4.11	199,480	2.79	212,736	3.25	200,539	5.91	221,891	3.24	
April	195,197	2.52	221,719	0.28	223,271	2.60	198,426	0.73	209,750	4.05	221,126	4.51	221,563	2.87	202,290	2.00	203,553	2.78	
May	210,666	7.41	246,160	3.57	239,445	1.97	232,711	2.07	205,970	6.71	255,616	2.57	243,536	3.7	211,715	7.90	245,119	3.37	
June	223,851	6.41	240,923	15.55	222,181	6.35	210,536	6.70	188,480	11.12	292,514	1.27	254,738	3.06	210,890	6.39	254,711	3.21	
July	210,271	2.46	267,957	2.04	223,376	7.31	223,063	2.95	208,663	1.16	282,289	2.08	254,400	3.5	205,381	5.16	200,548	0.54	
Aug	296,908	1.47	304,482	4.99	260,365	1.03	251,253	2.95	247,964	2.85	272,419	5.26	281,880	3.16	272,584	2.63	252,640	10.51	
Sept	267,498	4.70	260,331	5.76	237,853	2.83	202,068	10.25	231,450	0.37	273,922	4.02	267,375	5.62	254,803	1.65	234,234	6.45	
Oct	234,734	3.66	260,507	4.86	215,487	11.81	209,896	3.87	208,663	3.43	243,032	2.2	232,443	11.99	256,133	2.67	236,447	1.94	
Nov	200,701	15.69	221,512	3.15	226,183	7.61	169,401	6.19	203,865	19.02	213,390	0.89	201,675	3.23	228,799	5.46	211,314	2.66	
Dec	202,704	5.01	157,665	5.47	180,928	6.36	176,208	2.40	199,802	2.48	206,807	1.9	200,268	4.39	208,688	5.09	200,477	1.77	
Total	Gals/1000	2,731,983	59.99	2,763,652	60.63	2,546,394	54.99	2,311,653	44.77	2,485,571	60.87	2,845,885	37.96	2,772,176	52.18	2,640,500	53.22	2,797,406	42.17
Average	Gals/Day	7,484,830		7,571,649		6,981,501		6,607,274		6,810,873		7,794,726		7,595,803		7,235,342		7,664,126	
Peak	Gals/Day	11,515,000		11,840,000		10,786,000		10,435,000		9,812,000		11,594,000		10,601,000		10,382,000		11,156,000	
Peaking Factor		1.535		1.458		1.547		1.579		1.441		1.487		1.396		1.435		1.455	

MONTH	2009	2009	2010	2010
	Gals/1000	Rainfall	Gals/1000	Rainfall
Jan	199,921	1.85	204,230	6.00
Feb	192,805	2.32	189,673	1.24
March	191,777	3.55	207,376	6.55
April	195,197	2.52	221,719	0.28
May	210,666	7.41	246,160	3.57
June	223,851	6.41	240,923	15.55
July	210,271	2.46	267,957	2.04
Aug	296,908	1.47	304,482	4.99
Sept	267,498	4.70	260,331	5.76
Oct	234,734	3.66	260,507	4.86
Nov	200,701	15.69	221,512	3.15
Dec	202,704	5.01	157,665	5.47
Total	Gals/1000	2,731,983	59.99	2,763,652
Average	Gals/Day	7,484,830		7,571,649
Peak	Gals/Day	11,515,000		11,840,000
Peaking Factor		1.535		1.458

Councilmember Woodward said the debt, water sales, raw water charge and fixed payment from Tenaska was profitable for the City, and wanted to keep it separate from the discussion of drinking water. He referred to the first table and said he didn't think it took into account the increase in the University's size or commuters. Councilmember Woodward said there were still a lot of unknowns and that the City needed to protect what it had, marketing it if possible.

The Mayor referred again to the chart and the demand it showed. Mr. Baine said they were looking at an average, but that in 2009, the City exceeded the 10mgd a total of 27 times. Mr. Baine added that they didn't know what the firm well production numbers were, and that two wells had been broken for some time.

City Attorney Leonard Schneider said he had contacted TRA earlier in the day, that there was vagueness in the contract past 2020, and said he believed everyone wanted what was best for the City. Mr. Schneider said he would contact the TRA lawyer for clarification for their views, and that perhaps they could wait until the capacity study was complete.

Councilmember Forbus said he thought there should be a capacity study, and that they needed to know about population growth, pending the Census, and should be careful of making a hasty decision. Councilmember Ray said it superficially appeared that the City was paying for water it didn't use, but that they had the additional 10mgd at a great rate for nearly eleven years. He also encouraged waiting on the capacity study, getting improved confidence from TRA, and looking for ways to sell the water.

Councilmember Woodward said his immediate concern was the quantity that might be needed between now and 2020, the quality concerns of the water, and possible plant improvements. The Mayor said there were many issues. Councilmember Forbus said he would like information on incrementally boosting capacity from TRA, and on connecting wells. Mr. Pierce confirmed they were working on these issues.

**b. Presentation, discussion and possible action to cancel the option for additional 10mgd from TRA, exercised through October 17, 2006 minute order. [Councilmember Wagamon]**

Councilmember Wagamon referred to the 2000 contract with TRA, that the City could take the additional 10mgd. He said that in 2006, the City did not need to do something to get the right to pump the additional water, but sent TRA a letter to exercise the option, even without the capacity to pump it.

The Mayor said the option was couched with "if available." He said the City was told that Houston would receive around 70-80% of the available water from Lake Livingston, and how much was left to be sold, that this was what created a perceived need to act in 2006. The Mayor said that, at the time, it was not exactly clear what the rate for the 10mgd would be in the future.

Councilmember Woodward said that the City was told in 2000 that the option was for an additional 10mgd, if available. He said there was much discussion of water being transferred between basins, and that he saw it as an opportunity at the time. He said he understood paying for water the City couldn't use, but that he thought they were looking past 2020, and he believed they would have the option to continue getting the water after 2020. The Mayor said he would like to know how much of the 65mgd (that the Council was told was remaining for sale in 2006) had been sold. Councilmember Forbus said he wanted to know how much was still available. Councilmember Woodward said he believed TRA would also reserve some water for other options.

Councilmember Ray showed a PowerPoint printout from the TRA presentation, saying the City would have the option after 2020. He said he wanted to find out what would happen if the option was discontinued and then the City tried to exercise the option again later.

Councilmember Wagamon asked of what use the option was without a price guarantee. He said they had water rights, capacity and other issues, but that buying the additional 10mgd had nothing to do with these issues. He said he wanted to be sure they kept the issue of capacity separate from that of buying water the City couldn't even process, that capacity was not availability. Councilmember Wagamon asked if Texas Commission on Environmental Quality (TCEQ) would make an evaluation, and Mr. Pierce confirmed it could be every year or every other year. Councilmember Wagamon suggested Mr. Pierce's idea of building redundancy into the pumping system was good. Councilmember Wagamon closed by saying that meeting regulatory requirements through the redundancy perspective was important because of the potential costs of future improvements in system capacity.

Councilmember Woodward asked Mr. Pierce about the water for the State Park project. Mr. Baine said the State counts each three incarcerated individuals as a household in terms of tap numbers, therefore showing the City needing more water than it truly does. Mr. Pierce said that discussion would also be part of the capacity study analysis to be done.

The Mayor proposed that there be a standing item on the first agenda of each month to pursue answers.

Councilmember Woodward referred to Councilmember Wagamon's question about how the TCEQ decides capacity when wells were down or other situations, and suggested submitting questions to Carol Reed, Director of Public Utilities. Councilmember Wagamon asked that the summary report for the August 10, 2009 TCEQ evaluation of the City be presented for the Council to review at the next meeting. Mr. Pierce said the Public Utilities Dept. had discovered the City's compliance issues on their own, not due to a notice from TCEQ.

Councilmember Barrett said he was very risk averse in issues of water, and that he felt they needed to benchmark 30-40 years out as best they could. He said he thought they needed a comfortable buffer between what they're doing and what they're able to do. He said that although he understands the possibility of buying too much, an earlier agenda item refers to the fact that other municipalities are already looking for surface water.

Councilmember Woodward said the City would build wastewater treatment plants for the future, and should do so here as well, especially as how this would impact citizens.

Councilmember Wagamon agreed with Councilmembers Woodward and Barrett, and that he thought the Council had to work hard to make reasonable assumptions about the future. He said he would like the City to be as well-positioned financially as possible before the City builds a new plant.

Councilmember Cole asked for a field trip to the Tenaska plant. He also asked about the Schweppco arrangement from the 1970s, but Mr. Pierce was not familiar with that.

**c. Discussion regarding possible use of City equipment to facilitate clearing of lot on Smith Hill Road, with work to be performed by citizen volunteers and police association. [Councilmember Wagamon]**

Councilmember Wagamon said they had permission from the property owner to clear the lot, and Blaine Rogers of the Police Association offered to clear the lot. Councilmember Wagamon asked if it would be legal for the Council to use equipment to make an in-kind contribution to this non-profit organization. Mr. Schneider said there would have to be a reciprocal benefit to the City. Councilmember Forbus suggested perhaps deterring crime would be of benefit to the Police Department. Mr. Schneider said he would have to discuss it with the Director of Public Safety about findings of fact.

Councilmember Barrett said there were residents who had had property condemned, the costs of which they covered themselves without aid from the City, and that this lot owner should meet the same standards, and was reluctant to set a precedent.

Councilmember Ray suggested a lien to the property in the amount of the services rendered. Mr. Schneider said they would have to follow the procedure.

Councilmember Cole asked if wooded lots had to be manicured, and that he thought the Council needed more information.

**d. City Manager's Report**

**1. Update on Safe Routes to School grants**

Mr. Baine praised the employees who worked on the grant proposals, five of which were approved by TxDOT, for a total of \$1.134 million, and thanked the employees who worked on the proposals.

**2. Employee benefits and liability growth**

Mr. Baine presented a memorandum to the Council on the challenges of medical, health care and retirement liability for the City. He said the liability had been growing about \$6 million a year over the last several years, and was currently at about \$44 million. He said the solutions were not likely to be popular, but that he felt he had an obligation to disclose the information.

The Mayor complimented Mr. Baine for addressing this issue and being candid about the need for solutions.

3. Mr. Baine showed a piece of the 8" pipe from downtown, discussing its aged condition.

4. Mr. Baine congratulated the May winners of the Lose For Life competition.

**8. PUBLIC COMMENT**

Delora King encouraged the Council to err on the side of too much water.

**9. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**

There were no media inquiries.

**10. ITEMS OF COMMUNITY INTEREST**

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

The Mayor discussed the upcoming City's 175<sup>th</sup> birthday event on July 12<sup>th</sup>. He also reminded the public about Soldiers returning soon from Iraq.

Councilmember Woodward announced he would be holding a Ward 2 Town Hall on June 10, at 6pm, at the Katy & E. Don Walker Education Center.

**11. ADJOURNMENT**

The meeting was adjourned at 8:13pm.

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Lee Woodward, City Secretary



# City Council Meeting Agenda Item

Item Title:

**City Hall Flag Pole**

Date:

6/15/2010

Agenda Item No.:

7b

Requested By:

Sherry McKibben

Dept./Div:

420

Dept. Approval:

ML

## Issue/Item Description:

Acceptance of Donation of \$4,000 from Tarek Maalouf for flag pole, lights, and two flags for City Hall.

## Background:

The current flag pole at City Hall needs to be replaced. We plan to move it next to the City Of Huntsville sign on the southwest corner of the property and plant an oak tree in the current location for added shade to the building. The City received a check for \$4,000 to pay for the materials for the project.

## Facts to Consider:

- Flag pole will be bronze and 50 feet tall
- Flag pole will have downward LCD lighting
- 2 new polyester flags will be purchased ([1] 8' x 12' U.S Flag; [2] 8' x 12' Texas Flag)

## Fiscal Impact/Funding Source(s):

The flag pole, shipped	\$2911
8' x 12' U.S. and Texas Flags are	268
LCD light	820
Total	\$3999

Installation (labor by City) and plaque cost are estimated at less than \$1,000.

## Attachment(s):

- N/A

## Recommendation(s):

- Accept the contribution for \$ 4,000.

MOTION: ☐

SECOND: ☐

VOTE:

☐ PRESENTED

☐ APPROVED

☐ DECLINED ACTION

☐ TABLED

☐ OTHER

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**AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE FISCAL YEAR 2009 – 2010 ANNUAL BUDGET, ORDINANCE NO. 2009-53 TO AMEND ADOPTED EXPENDITURES AND REVENUES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the 2009 - 2010 Annual Budget was adopted by Ordinance 2009-53 on September 15, 2009;

**WHEREAS**, various unforeseen circumstances affecting the City have presented themselves during the course of the fiscal year;

**WHEREAS**, the City Council considered the circumstances independently, deliberating appropriately on the associated revenues and expenditures and the overall impact on the general financial status of the City;

**WHEREAS**, pursuant to the laws of the State of Texas and the City Charter of the City of Huntsville, Texas, the City Council has determined that it will be beneficial and advantageous to the citizens of the City of Huntsville to amend the 2009 – 2010 budget as set forth herein; and

**WHEREAS**, this ordinance combines the independent Council actions into one budget amendment document;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:**

**Section 1.** The findings set forth above are incorporated into the body of this ordinance.

**Section 2.** The annual budget for fiscal year 2009 – 2010 is hereby amended to include the expenditures and revenues described in Exhibit "A" attached hereto and made a part of this ordinance as if set out verbatim herein.

**Section 3.** All ordinances of the City in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 4.** Should any section, portion, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the force or effect of any other section or portion of this ordinance.

**Section 5.** The necessity for amending the budget for the fiscal year, as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

**Section 6.** This ordinance shall take effect immediately after its passage.

**PASSED AND APPROVED** on this the 15th day of June, 2010.

**THE CITY OF HUNTSVILLE, TEXAS**

\_\_\_\_\_  
J. Turner, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lee Woodward, City Secretary

\_\_\_\_\_  
Leonard Schneider, City Attorney

# Budget Amendments FY 09-10

Budget needed for the Robinson Creek Watershed Study in the amount of \$49,800. Current balance in Creek Maintenance Project is \$29,422.29. Current Balance in WW unallocated fund \$77,483. The University will pay \$10,000 towards this project.

TO				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(702) Wastewater CIP	Wastewater CIP	999-99999	Unallocated	\$ (20,378)
FROM				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(702) Wastewater CIP	Creek Maintenance	7141-62300	Construction	\$ 20,378

Budget amendment for major repairs of well #19. Unallocated Water funds will be used for this project.

TO				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(701) Water CIP	Well #19 Repairs	7216-62333	Construction	\$ 139,800
FROM				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(701) Water CIP	Unallocated	999-99999	Unallocated	\$ (139,800)

Budget amendment to add account 55015 (Lease of Vehicles) to Police Forfeiture SRF. Vehicles will be leased on a monthly basis for undercover use. Lease rate is \$240 per vehicle, per month. Two vehicles will be leased each month.

TO				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(611) Police Forfeiture SRF	Police Forfeiture	554-55015	Lease of Vehicles	\$ 1,920

Budget amendment to increase Construction account (62300) and Legal/Fiscal/Admin account (62700) in the FM 247 Sewer project. Due to non-located utilities, this project must be bored. Monies will come from Unallocated funds.

TO				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(702) Wastewater CIP	FM 247 Project	7115-62300	Construction	\$ 5,154
(702) Wastewater CIP	FM 247 Project	7115-62700	Legal/Fiscal/Admin	\$ 105
FROM				
Fund	Project/Division	Div/Acct	Acct Title	Amount
(702) Wastewater CIP	Unallocated	999-99999	Unallocated	\$ 5,259

# Budget Amendments

## FY 09-10

Budget amendment to move funds from Construction account (62300) and Wastewater CIP Unallocated to Engineering Study (62117) account for payment of engineering study by Klotz and Associates for Dawson Dam (TCEQ) - Drainage project. Original contract amount was for \$35,565.

### TO

Fund	Project/Division	Div/Acct	Acct Title	Amount
(702) Wastewater CIP	Dawson Dam (TCEQ) - Drainage	7139-62117	Engineering Study	\$ 5,565
(702) Wastewater CIP	Dawson Dam (TCEQ) - Drainage	7139-62117	Engineering Study	\$ 30,000

### FROM

Fund	Project/Division	Div/Acct	Acct Title	Amount
(702) Wastewater CIP	Unallocated	999-99999	Unallocated	\$ (5,565)
(702) Wastewater CIP	Dawson Dam (TCEQ) - Drainage	7139-62300	Construction	\$ (30,000)

Budget amendment to move funds from Water and Wastewater to General fund for additional attorney services for water related issues, as requested by Carol Reed. Services will be paid from City Attorney budget; however, are for Water attorney fees.

### TO

Fund	Project/Division	Div/Acct	Acct Title	Amount
(101) General	Revenue	1101-43503	Transfer from Water Fund	\$ 15,000
(101) General	Revenue	1101-43504	Transfer from Wastewater Fund	\$ 15,000
(101) General	Office of City Attorney	115-55070	Purchased Srvs/Contracts	\$ 30,000

### FROM

Fund	Project/Division	Div/Acct	Acct Title	Amount
(220) Water	Non-departmental	1220-95101	Transfer to General Fund	\$ (15,000)
(221) Wastewater	Non-departmental	1221-95101	Transfer to General Fund	\$ (15,000)

# City Council Meeting Agenda Item

Item Title:

**Approve Changes to the Employee Policie...**

Date:

5/18/2010

Agenda Item No.:

7d

Requested By:

Winston Duke

Dept./Div:

210

Dept. Approval:

WD/BB

## Issue/Item Description:

Approve changes to Personnel Policies and Procedures Manual by ordinance.

## Background:

The City Charter requires that the City Council approve all changes to the Personnel Policies and Procedures Manual.

## Facts to Consider:

- Changes submitted are yearly "housekeeping items" to clear up language;
- Positions have had title changes and/or have been eliminated that were referred to in the Personnel Policy.
- The Personnel and the Finance committee have seen the suggested changes.

## Fiscal Impact/Funding Source(s):

N / A

## Attachment(s):

- Sections requiring change to the Employee Policy and Procedures Manual.
- Section 1.01 Administration; Section 2.14 Harassment; Section 5.03 The pay plan; Section 6.03 Performance Evaluation; Section 7.05 Workers Compensation; Section 8.01 Risk Management and Financing; Section 9.01 Vehicle Operation Policy; Section 9.03 Vehicle Collision Review by Board of Inquiry; Section 9.04 Drug and Alcohol Testing; Section 9.06 Catastrophic Leave Program; Section 10.02 Outside Employment; Section 10.10 Cellular Telephone

## Recommendation(s):

- Approve Ordinance to accept changes to the Employee Policy and Procedures Manual.

MOTION: ☐

SECOND: ☐

VOTE:

☐ PRESENTED

☐ APPROVED

☐ DECLINED ACTION

**ORDINANCE 2010-39**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE PERSONNEL RULES OF THE CITY OF HUNTSVILLE BY AMENDING CHAPTERS 4, 10, and 11; AND MAKING OTHER PROVISIONS RELATED THERETO.**

**WHEREAS** The City of Huntsville Employee Policies and Procedures were originally adopted on September 20, 2005, by Ordinance No. 2005-17; and

**WHEREAS** Sections One, Two, Five, Six, Seven, Eight, Nine and Ten of the Employee Policies and Procedures are recommended to be amended; and

**WHEREAS** the Personnel Committee of the City Council has reviewed the recommended amendments as proposed by the City Manager and Director of Finance;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:**

**SECTION 1:** Chapter 1, Section 1.01, Purpose of Policy Manual of the Personnel Rules of the City of Huntsville, Texas, is hereby amended as set out on Exhibit A.

**SECTION 2:** Chapter 2, Section 2.14, Harassment of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit B.

**SECTION 3:** Chapter 5, Section 5.03, The Pay Plan of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit C.

**SECTION 4:** Chapter 6, Section 6.03, Performance Evaluations of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit D.

**SECTION 5:** Chapter 7, Section 7.05, Workers Compensation of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit E.

**SECTION 6:** Chapter 8, Section 8.01, Risk Management and Financing, Section 8.02, Risk Management Responsibilities, Section 8.03 Risk Management Procedures, Section 8.04 Safety and Health Inspections, Section 8.05 Safety Committee, Section 8.06 Injury Reporting and Follow-up of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit F.

**SECTION 7:** Chapter 9, Section 9.01, Vehicle Operation Policy, Section 9.03 Vehicle Collision Review Board of Inquiry, Section 9.04 Drug and Alcohol Testing of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit G.

**SECTION 8:** Chapter 10, Section 10.10, Cellular Telephones, Section 10.02 Outside Employment of the Personnel Rules of the City of Huntsville, Texas is hereby amended as set out on Exhibit H.

**SECTION 9:** If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the City Council determines that it would have adopted this Ordinance without the invalid provision.

**SECTION 10:** This Ordinance shall take effective immediately from and after the date of its passage.

PASSED AND APPROVED THIS 15TH DAY OF JUNE 2010.

CITY OF HUNTSVILLE, TEXAS

\_\_\_\_\_  
J. Turner, Mayor

ATTEST:

\_\_\_\_\_  
Lee Woodward, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Leonard Schneider, City Attorney



### 1.01 Purpose of Policy Manual

*Effective Date: 9-20-2005*

*Revision Date:*

This manual is not intended to be construed as an employment contract between the City and the employee and is not an employment contract but only is intended to inform the employee of Personnel Policies and Procedures. It is designed to be a working guide for department heads and supervisors for day-to-day implementation of our City personnel program. Persons who are subject to these policies and procedures are all employees engaged in City service.

Deleted: This Manual contains statements of

These written policies should increase understanding, eliminate the need for personal decision making on matters of City-wide policy and help to insure uniformity throughout the City. It is the responsibility of each and every member of management to implement these policies in a consistent and impartial manner.

Procedures and practices in the field of employee relations are subject to modification and development in light of experience. Each department head can assist in keeping our personnel system up-to-date by notifying Human Resources whenever problems are encountered or improvements can be made in the administration of our personnel policies.

For the purpose of the manual, a POLICY is the general statement of a City goal. A PROCEDURE is a specific step for reaching that City goal and can include use of special forms.

Material in this manual shall be presented in either a policy, procedure format or a general statement format.

# Exhibit B

## 2.14 Harassment

Effective Date: 9-20-2005

Revision Date:

### Prohibited Conduct

The City of Huntsville is committed to providing a work environment that is free of discrimination and unlawful harassment. Harassment based on an individual's sex/gender, race, ethnicity, age, religion, or any other legally protected characteristic or sexual orientation will not be tolerated in the workplace, including telework arrangements, or in other work related settings, including, but not limited to, business trips, and business related social events.

Sexual harassment includes any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature toward members of either sex/gender when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

All employees are responsible for ensuring that no form of unlawful harassment occurs in their workplace. Employees should remain alert to any harassment that may be occurring and take immediate steps to stop it. Supervisors and managers should ensure that all employees have access to a copy of the City of Huntsville Harassment Policy.

### Reporting of Harassment Required

Any employee of the City of Huntsville who believes he or she has been subjected to harassment is expected to report the circumstances to their department head or to Human Resources so that prompt preventative and corrective action may be taken. Employees may report allegations of harassment directly to their department head or to the Director of Administrative Services without first reporting the allegations to their supervisor or to the supervisor of the person who is allegedly committing the harassment. Harassment should be reported even if the source of the harassment is not an employee of the City of Huntsville.

Deleted: the Director of Administrative Services

Likewise, if a subordinate indicates to his or her supervisor that he or she has been subjected to harassment or has witnessed or otherwise has knowledge of such conduct, the supervisor must report the matter immediately to their department head or to the Director of Administrative Services. Managers and supervisors must report any incidents that they either observe or hear of that may constitute a violation of this policy.

All complaints of harassment will be promptly investigated, and corrective action will be taken as deemed appropriate under the circumstances. The department head and Human Resources have the authority to fully investigate all matters relating to the complaint. The City Manager and the City Attorney have the authority to fully investigate a complaint if the complaint is

Deleted: the Director of Administrative Services

| related to or involves a director or the City Manager.

#### **Retaliation Prohibited**

The law prohibits retaliation against an employee who, in good faith, reports harassment or assists or cooperates in the investigation of allegations of harassment. Any threat of retaliation or attempt to do so should be reported immediately to either the department head or to Human Resources.

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#### **Policy Violations**

Violations of this policy by an employee, whether directed at another employee, an applicant for employment, a contractor or a member of the public will be grounds for disciplinary action, up to and including termination of employment.

# Exhibit C

## Employee Policies and Procedures, Section 5

### 5.03 The Pay Plan

Effective Date: 9-20-2005

Revision Date: 08-15-2006

#### Policy

- A. Administration - It is the responsibility of Human Resources to administer the Pay Plan. Human Resources shall be responsible for making arrangements to ensure that the administration of the plan for all employees is on an equitable basis.
- B. Development and Maintenance of Salary Range:
  1. Salary ranges shall be linked directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, labor market availability of employees in certain occupational categories, rates of pay in other jurisdictions, cost-of-living factors, the financial policies of the City and other economic considerations.
  2. Prior to the preparation of each annual budget as well as other times, Human Resources shall make comparative studies of the factors affecting the level of salary ranges. On the basis of information derived from such studies, Human Resources and the City Manager shall present recommendations for adjustment of the compensation plan to the City Council.
- C. Salary Grades - All classifications in a salary schedule shall be given a designated grade. Grades will be established on the basis of job requirements, and such factors as knowledge, skills, difficulty, and complexity, responsibility for supervision and responsibility for funds shall be taken into consideration.
- D. New Hires:
  1. Minimum Rate of Pay - The minimum rate of pay for a class shall be paid upon employment within the class.
  2. Above Minimum Rate of Pay - When a new employee is more qualified than minimum standards and will not accept employment at the minimum rate, he/she may be employed above the minimum. Appointment between the minimum and midpoint of the salary range requires the concurrence of Human Resources. Appointment above the midpoint requires the written approval of Human Resources and the City Manager. Every effort should be made to recruit a qualified individual willing to accept the minimum rate.
  3. Introductory Periods - Each new employee will serve an introductory period of six (6) months (twelve (12) months for Police Officers and Firefighters). Employees

*Employee Policies and Procedures, Section 5*

deemed unsatisfactory should be terminated on or before completion of this period. Employees deemed satisfactory may be granted an increase in pay at the completion of the six (6) month introductory period.

Employees hired at the market rate or above are not eligible for an introductory increase.

**E. Promotion:**

1. When an employee is promoted he/she shall be paid the minimum rate of the class into which he/she was promoted. In the case where he/she are already above that salary compensation he/she shall be set at an appropriate pay level within the designated class. Any pay increase greater than five percent (5%) will require City Manager approval. A promoted employee shall also serve a six (6) month introductory period, at the end of which he/she may receive an increase consistent with Paragraph D-3 above.
2. No change in salary shall accompany a transfer unless the transfer is to a position in a higher class. Such a transfer will be deemed a promotion and treated as such.

**F. Demotion - A demoted employee shall be paid at a rate within the approved range for the lower position. The exact placement in the range shall be set by the department head and Human Resources.**

**G. Reallocation Downward - When a reallocation of a position to a lower class occurs the incumbents shall remain at their present pay.**

**H. Salary Increases - Salary increases within appropriate ranges may be made annually consistent with the budget policies.**

**I. Cost of Living - Adjustments shall be delivered as a base pay increase. When salary ranges restrict the advancement of a base pay increase, the pay increase will be given as a one time lump payment.**

Deleted: except the base pay will not be increased beyond grade maximum.

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**Procedure**

- A. Salary increases should be placed on the Position Inventory and included with the fiscal year fund request for salaries.
- B. Increases must be placed individually on a Personnel Action Form.
- C. Increases should not be considered automatic, but available on the basis of performance. A performance appraisal shall accompany a request for a salary increase.

*Employee Policies and Procedures, Section 5*

D. Full-time multiple incumbents on the Position Inventory will be limited to the following conditions:

1. With a New Hire - Thirty (30)-days maximum; sixty (60) days with approval of the City Manager.
2. With a Leave of Absence - Period of the Leave of Absence maximum.

Prior authorization by Human Resources and the City Manager will be required. Multiple incumbents assigned to a position number must be identified on the Personnel Action Form.

The appointment of a multiple incumbent in a full-time position in excess of the limitations referenced above will require approval by the City Manager prior to posting the vacancy.

# Exhibit D

## Employee Policies and Procedures, Section 6

### 6.03 Performance Evaluations

Effective Date: 9-20-2005

Revision Date:

#### Policy

- A. The performance of City employees will be formally reviewed and evaluated by their work supervisors at least once a year. The results will be discussed with the individual as an aid to improvement and advancement on the job.
- B. Human Resources will be responsible for establishing and maintaining a standardized performance evaluation system and procedures for its conduct and use. Department heads will be responsible for coordinating its implementation in their departments as well as evaluating employees reporting directly to them.
- C. The City Manager will be responsible for evaluating the performance of the department heads.
- D. The formal performance evaluation system will be designed by Human Resources to:
  - 1. Maintain or improve each employee's job satisfaction and morale indicating to him/her that his/her work supervisor is interested in his/her job progress and personal development.
  - 2. Serve as a systematic guide for department heads in planning each employee's further training.
  - 3. Assure considered assessment of an employee's performance rather than a quick and unreliable judgment.
  - 4. Assist in determining and recording special talents, skills and capabilities that might otherwise not be noticed or recognized.
  - 5. Assist in planning personnel moves and placements that will best utilize each employee's capabilities.
  - 6. Provide an opportunity for each employee to discuss job problems and interests with his/her work supervisors.
  - 7. Assemble substantiating data for use as a guide for purposes such as salary adjustments, promotions, transfers and disciplinary actions.

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Exhibit E

### 7.05 Worker's Compensation

Effective Date: 9-20-2005

Revision Date: 12-11-2007

#### Policy

The City Manager and Risk Management is responsible for advising the City Council on the program and providing in-house administration of the program. The Risk Manager and all department heads are responsible for reducing the City's liability.

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Deleted: Training/

Deleted: Coordinator

#### Purpose

To insure the City will pay medical expenses incurred by an employee for compensable on the job injuries.

#### Procedures

- A. The City will pay an employee who sustains a compensable on the job injury leave with pay at one hundred percent (100%) of the employee's salary for the first five (5) working days of the disability without any charge to the employee's vacation or sick leave. The City will not pay more than five (5) days injury leave to any one employee per calendar year.
- B. Weekly indemnity benefits are paid to the employee once they are medically off work for eight (8) days or more. The first seven (7) days of medical disability are not paid unless or until the employee is off work for fourteen (14) calendar days (2 weeks). The benefits are calculated based on their hourly wage. If the injured employee earns \$8.50 or more per hour, the benefits are paid at seventy percent (70%) of the average weekly wage and not to exceed the maximum amount for that date of injury. If the employee earns \$8.49 or less per hour the benefits are paid at seventy-five percent (75%) for the first twenty-six (26) weeks and then they are reduced to seventy percent (70%) for the duration of the claim not to exceed one hundred and four (104) weeks for temporary income benefits. Benefits cannot be lower than the minimum rate for the date of injury.
- C. An employee may not use accrued vacation, holiday leave, compensatory time or sick leave to supplement workers' compensation. (See also Texas Labor Code § 504.052.)
- D. If an employee is disabled and unable to return to work for two (2) weeks, then the City's Worker's Compensation will pay the employee for the first five (5) days of work. If the employee was paid injury leave by the City under Section B (see above), the employee shall reimburse the City the amount paid by Worker's Compensation for this initial five (5) day period. (See also Texas. Loc. Govt. Code § 142.008; Texas Labor Code Chapter 451 and § 504.003.)



- E. An employee will not accrue leave (vacation or sick leave) while the employee is on injury leave or unable to work because of an injury for more than one (1) week per pay period. Service credit for all employment privileges and benefits will stop during this period except where otherwise provided by Texas or Federal law.
- F. If an employee who is injured on the job is unable to return to work within one (1) week, then the City will pay (in addition to the Worker's Compensation benefit and the City's supplemental income benefit described in Section B, see above) the employee's medical premiums (employee care), a long term disability premium, and life insurance premium that are payroll deducted by the City and provided by the City's approved carriers. The City will provide such extended benefits to the employee for up to six (6) months. The employee is responsible for and must act to insure payout of items such as credit union loans and supplemental health or life insurance.
- G. An employee must be available for consultation at the City or at home during the disability. An employee who is on City work related injury leave shall contact the Risk Manager and his or her supervisor at least once every five (5) working days.
- H. The failure to follow doctor's orders or employee activity inconsistent with the employee's injury, including any outside employment not approved in writing by the employee's supervisor and Human Resources, may result in disciplinary action up to and including dismissal.
- I. An employee who suffers an occupational injury or illness shall return to work immediately when released to do so by the examining physician. Failure to return to work when released by the physician shall result in appropriate disciplinary action up to and including dismissal. An employee released by his/her physician to assume duties after being placed on injury leave status must, prior to or immediately upon reporting to work, provide a written release from the attending physician verifying the employee's fitness to return to his/her full former duties and the date of the employee's release from medical care.
- J. An employee who is unable to return to work in full duty status within six (6) months of an injury may be separated for incapacity reasons. The employee may then elect to receive accrued vacation and sick leave benefits, if any, payable upon termination.
- K. An employee injured on the job with a physician's release to work in less than full duty status will, if approved by the department head, do restricted duty tasks when available. The City will assign light duty as determined by its economic and operating conditions. The department head will notify Risk Management when light duty assignments begin and end.
- L. An employee who is able to return to work in light duty status is a temporary employee, and the City Manager may require the employee to work in a different department and perform duties not contained within his or her current job duties. The City will pay an employee assigned to light duty status and performing different duties according to the

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level of pay that is appropriate for the light duty job assignment. In addition, the employee will receive Workers' Compensation payments in a reduced amount.

- M. No employee on light duty will work overtime.
- N. A light duty assignment cannot exceed three (3) months. An employee who is unable to return to full duty status within six (6) months may be separated for incapacity reasons.
- O. Any employee seeking treatment for a work related injury must choose a Treating Doctor from the Alliance list of doctors. If an injured worker chooses to treat with a non-Alliance doctor, he/she assumes risk of payment for the medical treatment and potential loss of income benefits. The Risk Manager will coordinate and assist the injured worker in making a doctor appointment for the employee.

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Exhibit F

**Section VIII**  
**Employee Safety Programs**

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### 8.01 Risk Management and Financing

*Effective Date: 9-20-2005*

*Revision Date:*

#### Policy

The City of Huntsville maintains an aggressive Risk Management program. The management of this program is the shared responsibility of the Risk Manager, the City Manager and the department heads.

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The City of Huntsville shall be protected against accidental loss or losses that in the aggregate during any fiscal year would significantly affect personnel, property, income or the ability of the City to continue to fulfill its responsibilities to its taxpayers, employees and the public.

The financing of all risk shall be consistent with the resources of the City. All risk financing decisions shall be coordinated through the City Manager, and the Director of Finance.

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In recognition of its financial resources and the spread of its physical assets, the City will accept the retention of uninsured losses subject to insurance market conditions.

The level of uninsured losses to be financed each year shall be established by the City Council upon receipt of the risk financing recommendations of the City Manager, and the Director of Finance.

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#### Procedure

- A. The City shall continue to apply the risk management process as described in Section 8 of the Employee Policy and Procedures, which includes a process of continuous identification of loss exposures, analysis of exposures, examination and selection of alternative risk management techniques, and implementation and monitoring of the Risk Management process.
- B. The City Manager will have the final responsibility of assuring that a prudent Risk Management program is in place at all times. A review of the program, including loss exposures, risk controls, self insurance plans, and appropriate insurance coverage, and risk retention levels shall be conducted no less than annually at minimum.
- C. The day to day administration of the Risk Management program, including emphasis on coordinated risk control efforts is assigned to the Risk Manager under the direction of the City Manager.
- D. The assignment of counsel for defense of claims against the City or for recoveries from third parties shall be done by the City Attorney.

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**Deleted:** the Director of Administrative Services

- E. Management at all levels shall continue to provide means for prompt corrective action in the elimination of unsafe acts, conditions, equipment, or mechanical hazards.
- F. The level of financing shall take into consideration an annual analysis of the loss history of the City of Huntsville Risk Management program accomplished by an independent actuary.

## 8.02 Risk Management Responsibilities

Effective Date: 9-20-2005

Revision Date:

### Policy

A. The Risk Manager, along with the City Manager, has the overall responsibility for planning, organizing, leading, controlling and coordinating risk management activities throughout City employment.

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B. Department Head - Supervisor shall:

1. Assume full responsibility for safe and or healthy working conditions for all employees.
2. Insure that all management policies herein are fully implemented for maximum efficiency of each job.
3. Take the initiative in recommending correction of deficiencies noted in facilities and work procedures affecting City loss control efforts.
4. Be firm in enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and by being prompt to give recognition to those who perform well.
5. Insure that each employee is fully trained for the job assigned and that the employee is familiar with published department work rules.
6. Fully cooperate with the Risk Manager in shutting down operations considered to pose imminent danger to employees or in removing personnel from hazardous jobs when they are not wearing or using prescribed protective equipment.
- Fully cooperate with the Risk Manager in the risk management process of identification, selection, implementation, and monitoring of loss exposures.
8. Fully cooperate with the Risk Manager in gathering loss exposure data for commercial insurance procurement and risk financing objectives.

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C. Employee - Each City employee shall be fully responsible for implementing the provisions of the safety program as it pertains to operations. The responsibilities listed are MINIMUM, and they shall in no way be construed to limit individual initiative to implement more comprehensive procedures to eliminate hazards.

1. Report all unsafe conditions to the immediate supervisor.

2. Keep work areas clean and orderly at all times.
3. Report all accidents immediately to the supervisor.
4. Avoid engaging in any horseplay and avoid distracting others.
5. Learn to lift and handle materials properly.

Each employee working at hazardous jobs shall, in addition:

- a. Obey all safety rules and follow published work instructions. If any doubt exists about the safety of doing a job, STOP and GET INSTRUCTIONS from the supervisor before continuing work.
- b. Only operate equipment that has been authorized by the supervisor.
- c. Use only the prescribed equipment for the job and handle it properly.
- d. Wear required protective equipment when working in hazardous operation areas.
- e. Dress safely and sensibly.
- f. Take an active part in the safety program.

### 8.03 Risk Management Procedures

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

#### Policy

The effectiveness of risk management is directly related to the quality of supervision, a thorough understanding of potential risk exposures, and daily operations that reinforce safe work practices.

**Job Safety Analysis for Hazardous Work** - To eliminate accidents in high hazard areas, it is mandatory that each supervisor thoroughly instruct employees on the hazards that exist and insure that they understand the methods of doing each job safely when such hazards cannot be eliminated.

Relying on memory alone during the instruction of an employee is assurance that some important items will be overlooked. Therefore, it is essential that the supervisor use published work rules which define each hazardous task and the correct procedures for its safe accomplishment. This enables the supervisor to attain a consistent quality of instruction that instills employee confidence in their own capabilities and those of management. Departments will provide a copy of the work rules to all employees.

#### A. Procedures for Job Safety Analysis are as Follows:

1. The job is broken down into basic steps. These steps describe what is to be done in sequence. Omit details which have no bearing on the objective.
2. After the steps are listed, each step is analyzed for hazards that could cause an accident. The purpose is to identify as many hazards as possible, whether produced by the environment or connected with mechanics of the job procedure, so that each step of the entire job can be done safely and efficiently.
3. When the hazards and potential accidents associated with each step are identified and their causes understood, ways of eliminating them shall be developed. There are four (4) ways in which this can be handled:
  - a. Eliminate the process or operation or provide a substitute action which can be done without the hazard; or
  - b. Isolate the process operation so as to eliminate or minimize the hazard; or
  - c. Provide guards or automatic devices to eliminate or minimize the hazard; or
  - d. Provide personal protective equipment and enforce its use to eliminate the possibility of injury.



B. Job Safety Training - No supervisor shall assume that a newly-hired, newly-assigned, or reassigned employee thoroughly knows all safe job procedures. They must be trained. The four-point method of job instruction has been found best suited for all hazardous operations: Preparation, Presentation, Performance and Follow-up.

1. Preparation:

- a. Put employee at ease.
- b. Define the job and find out what the employee already knows about it.
- c. Instill interest in learning the job.

2. Presentation:

- a. Narrate, show and illustrate one important step at a time.
- b. Stress each key point.
- c. Instruct clearly, completely and patiently, but cover no more than can be mastered each time.

3. Performance:

- a. Have the employee do the job with coaching during performance.
- b. Have the employee explain each key point as the job performance is repeated.
- c. Make sure the employee understands.
- d. Continue until you know the employee understands.

4. Follow-up:

- a. Allow the employee to work independently.
- b. Designate to whom the employee goes for help.
- c. Check frequently; encourage questions.
- d. Taper off extra coaching and close follow-up.

C. Personal Protective Equipment - The designation and use of protective equipment for all jobs which have an inherent injury potential shall be specified by the supervisors involved. Detailed specifications for the design, purchase and

use of all protective equipment shall be coordinated between the Training/Risk Coordinator and the supervisors and then recommended to the department head. Specialized protective equipment specified as mandatory on hazardous jobs shall be provided by the City of Huntsville and employees shall be fully accountable for its use and condition. Work boots and prescription safety glasses shall be provided by the City of Huntsville when required.

1. Equipment Listed shall be Worn when Hazards as Described Exist:

- a. Hard hats to protect the head against falling objects, head bumping situations or electrical conductors.
- b. Goggles, face shield or safety glasses to guard against airborne debris, dust, flying particles, chips, chemicals, heat or injurious rays.
- c. Ear plugs or ear muffs to guard against prolonged exposure to noise exceeding sound levels defined by law.
- d. Respirators, gas masks, airline respirators, hose masks and self-contained breathing apparatus to protect employees against toxic or abnormal atmospheric conditions.
- e. Safety shoes to protect feet against possible injury from articles that can be dropped, vehicle wheels, machines and nail punctures.
- f. Life jackets when working over water, (i.e. reservoirs, rivers, lakes and tanks).
- g. Reflective vests or bright articles to increase worker's visibility while working in or around traffic lanes.
- h. Protective clothing such as gloves, sleeves, aprons, leggings and full suits to protect against wounds, abrasions, bumps, slag, heat or melted metals.

2. Mandatory Use of Protective Equipment - When the use of personal protective equipment has been specified for hazardous work, its use shall be mandatory as a condition of employment. Supervisors shall be held accountable for employees allowed to work without compliance. Enforcement can be made easier by educating employees on the reasons for using or wearing the articles and the possible injuries that can result when the need is ignored. The monthly review of injuries by the Safety Committee shall place emphasis on those injuries that resulted from failure to use protective equipment.

NOTE: City employees assigned to inspect or work at construction sites or other areas under the jurisdiction of other employers shall comply with the safety regulations established by those employers if they exceed City requirements.

- D. Proper Dress for Work - Each employee shall wear clothing suitable to the job he/she is performing at all times. Suitable clothing means clothing that will minimize danger from moving machinery, hot or injurious substances, sunburn, etc.

All employees working in the field 50% or greater shall wear work boots or safety shoes suitable for their particular type of work to avoid possible falling objects, crush type injuries, nail punctures, weed-eaters, slip and falls and chemicals. Open toed shoes, high heels, loafers and tennis shoes will not be permitted on job sites.

Individuals with long hair shall wear a cap or net while working around machines. Individuals required to wear breathing devices in toxic atmospheres shall be clean shaven where the mask makes contact with the face.

Examples: Employees working on construction sites shall not wear tennis shoes, loafers or sandals; Employees shall not wear high platform sandals or shoes while working if the thickness of the sole and heel is extreme and causes the wearer to walk precariously.

- E. First Aid Training For Supervisors - All supervisors responsible for hazardous operations as well as other selected employees shall be trained in First Aid.

1. Purpose of First Aid Guidelines - The purpose of first aid guidelines is to provide immediate and temporary care for employees who are victims of an accident or sudden illness until the services of a physician can be obtained. First Aid does not eliminate the need for medical attention.
2. Training - The most important principle of first aid is to know how to apply it immediately when the need arises. For detailed instructions on first aid, all supervisors and selected personnel shall know and practice the standard first aid theory and skills taught in "Standard First Aid" and found in "The American National Red Cross First Aid Textbook".
3. Equipment Available for First Aid - First Aid kits shall be placed and maintained in readily accessible locations on every job site and be of appropriate size for the crew at the site.

F. **Bloodborne Pathogen** - In recognition of the special hazards associated with risk of exposure to and transmission of bloodborne pathogens, including but not limited to HIV (human immunodeficiency virus), HAV (hepatitis A virus) and HBV (hepatitis B virus), the following special policies and procedures are adopted for all work entailing such. This procedure represents a minimum standard and it is recommended that each department establish specific guidelines to adapt these procedures to operating conditions.

1. **Infection Control Representative(s)** - The Risk Manager will be designated as responsible for the implementation of these policies and procedures.
2. **Exposure Control Plan** - In conjunction with use of these policies and procedures, an exposure control plan will be implemented to minimize or eliminate exposure to bloodborne pathogens.
3. **Universal Precautions** - All blood and body fluids will be treated as infectious, although the special hazards and higher risks of transmission with certain body fluids are recognized. Universal Precautions will be used in all work activities with any potential for exposure to blood or other body fluids. Universal Precautions defines "all patients should be assumed to be infectious for bloodborne diseases such as AIDS and hepatitis A and B."
4. **Engineering and Work Practice Controls** - Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.
  - a. **Hand Washing:**
    - (1) Hand washing facilities which are readily accessible to employees shall be provided. When provision of hand washing facilities is not feasible, an appropriate antiseptic hand cleaner in conjunction with clean cloth, paper towels or antiseptic towelettes will be provided. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
    - (2) Employees shall wash their hands immediately or as soon as feasibly possible after removal of gloves or other personal protective equipment. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
  - b. **Handling of Sharps:**

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- (1) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed. Shearing or breaking of contaminated needles is prohibited. Contaminated needles and other contaminated sharps shall not be recapped or removed unless no alternative is feasible or such action is required by a specific medical procedure which must be documented and approved by the Training/Risk Coordinator prior to the use of such procedures. Recapping or needle removal shall be accomplished by a mechanical device or one-handed technique.
- (2) Contaminated reusable sharps shall be placed in appropriate containers (puncture resistant, leak proof on sides and bottom, Biohazard labeled) and shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

c. Personal Habits, Food and Drink:

- (1) Eating, drinking, smoking, the application of cosmetics or lip balm, and the handling of contact lenses are prohibited in work areas with reasonable likelihood of occupational exposure to bloodborne pathogens.
- (2) Food and drink shall not be kept in refrigerators, freezers, shelves, or cabinets nor on countertops or bench tops where blood or other potentially infectious materials are present.

d. Specific Work Practices:

- (1) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances. Mouth siphoning of blood or other potentially infectious materials is prohibited. No objects should be placed in the mouth. The nose, mouth, and eyes should not be touched during or after patient contact until proper hand washing procedures have been followed. Special care and precautions shall be taken at any time an employee may have open cuts, sores, or dermatitis that may compromise the barrier protection provided by skin. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

- (2) The minimum number of personnel required shall be involved with any procedure entailing exposure to bloodborne pathogens and exposure time should be minimized.

e. Storage and Transfer of Blood and Other Infectious Body Fluids:

- (1) The container for storage, transport, or shipping (including freezer and refrigerators used for storage of blood or other potentially infectious materials) shall be "Biohazard" labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels (except for containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use) and closed prior to being stored, transported or shipped.
- (2) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method, preventing loss or unintentional removal, or otherwise placed in red bags substituted for labels.
- (3) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics.

- f. Equipment Contaminated by Blood or Other Infectious Body Fluids - Equipment which may become contaminated by blood or other potentially infectious material(s) shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless unfeasible. If not feasible, the reasons for inability to decontaminate the equipment shall be documented by a designated Infection Control Representative and those portions that have not been decontaminated shall be labeled. Further, a designated Infection Control Representative shall ensure that this information is conveyed to all affected employees, the servicing representative, or the manufacturer, as appropriate, and prior to handling, servicing, or shipping, so that appropriate precautions shall be taken.

g. Personal Protective Equipment:

- (1) All employees performing tasks entailing reasonably anticipated exposure to blood or other potentially infectious materials will be provided, and are required to use, appropriate personal protective equipment, such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Such equipment shall be repaired or replaced as needed to maintain its effectiveness, at no cost to the employee. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
- (2) Under rare and extraordinary circumstances when it is the employee's professional judgment that in the specific instance, use of protective clothing and equipment would have prevented the delivery of healthcare or public safety services, or would have posed an increased hazard to the safety of the worker or co-worker, the employee shall document these circumstances and inform the Training/Risk Coordinator, who shall investigate the circumstances and determine whether changes can be instituted to prevent such occurrences in the future. The Training/Risk Coordinator shall document all such occurrences.
- (3) Appropriate personal protective equipment in the appropriate sizes shall be readily accessible at the worksite or issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.
- (4) Any garment penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
- (5) Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious material(s), mucous membranes, and/or non-intact skin.
- (6) Disposable (single use) gloves such as surgical or examination gloves and utility gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn,

punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse.

- (7) Masks, in combination with eye protection devices such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- (8) Protective clothing, such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in situations with reasonably anticipated exposure to blood or other potentially infectious material(s). The type and characteristics will depend upon the task and degree of exposure anticipated.

h. Cleaning and Disinfection:

- (1) The worksite shall be maintained in a clean and sanitary condition.
- (2) All equipment, as well as environmental and working surfaces, shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
- (3) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious material(s) and at the end of the work shift if the surface may have become contaminated since the last cleaning.
- (4) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.
- (5) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood of becoming contaminated with blood or other potentially infectious material(s) shall be inspected and decontaminated immediately or as soon as feasible upon visible contamination.



- (6) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.
- (7) Reusable sharps that are contaminated with blood or other potentially infectious material(s) shall not be stored or processed in a manner that requires employees to reach by hand into the containers where sharps have been placed.
- (8) During use, containers for contaminated sharps shall be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found, shall be maintained upright throughout use, and shall be replaced routinely and not be allowed to overfill.
- (9) When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping and placed in a secondary container if leakage is possible. The second container shall be closable, constructed to contain all contents and prevent leakage during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels.
- (10) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

i. Medical Waste:

- (1) Medical waste shall be considered: any liquid or semi-liquid blood or other potentially infectious material(s), dried blood or other potentially infectious material(s) in any form. This includes any items which may have such material(s) on them in any form with the exception of reusable equipment, instruments, or personal protective clothing and equipment which undergoes proper decontamination procedures.
- (2) Medical waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with

lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels. These shall be closed prior to removal or in red bags substituted for labels, to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

- (3) If outside contamination of such container(s) occurs, it shall be placed in a second container. The second container shall be closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels. This container shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
- (4) Disposal of all sharps and medical waste shall be in accordance with applicable regulations of the United States, state, and local ordinances.

j. Laundry Practices:

- (1) Contaminated laundry shall be handled as little as possible with minimum agitation and shall be bagged or contained at the location where it was used and shall not be sorted or rinsed in the location of use. Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels. Universal Precautions shall be used in the handling of all soiled laundry.
- (2) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through or leakage of fluids to the exterior.
- (3) All employees who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment.

- (4) Laundry shipped off-site shall be placed in containers which are labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or otherwise placed in red bags substituted for labels.

k. Hepatitis A and B Vaccination:

- (1) Hepatitis A and B vaccine and vaccination series shall be made available to all employees with reasonably anticipated exposure to blood or other potentially infectious material(s) at no cost to the employee. Such vaccination(s) will be performed at a reasonable time and place by or under the care of a licensed physician or under the supervision of another licensed healthcare professional. These shall be provided according to current recommendations of the U.S. Public Health Service at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory at no cost to the employee.
- (2) Hepatitis A and B vaccination shall be made available after the employee has received the Bloodborne Pathogens Education Program and within ten (10) working days of initial assignment to duties with reasonably anticipated exposure to blood or other potentially infectious material(s) unless the employee has previously received the complete hepatitis A and B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons. Prescreening is available to, but not required of such employees and is provided at no cost. Employees initially declining hepatitis A and B vaccination but at a later date decide to accept the vaccination the hepatitis A and B vaccination shall be made available according to the provisions of this policy at that time.
- (3) All employees who decline to accept hepatitis A and B vaccination offered by the employer shall sign the Hepatitis A and B Vaccination Refusal Form.
- (4) Routine booster dose(s) of hepatitis A and B vaccine, recommended by the U.S. Public Health Service, shall be made available to employees who at the time such recommendations are applicable have reasonably anticipated exposure to blood or other potentially infectious material(s) at no cost to the employee. Such doses shall be made available to the employee at a reasonable time

and place, and performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.

- l. Bio Hazard Labeling - Warning labels shall be affixed to containers of regulated waste, refrigerators, and freezers containing blood or other potentially infectious material(s); and other containers used to store, transport, or ship blood or other potentially infectious material(s), except that red bags or red containers may be substituted for labels. Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from these labeling requirements. Individual containers of blood or other potentially infectious material(s) that are placed in a labeled container during storage, transport, shipment or disposal are exempt from the labeling requirement. Labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color. Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevent their loss or unintentional removal. Such labels are required for contaminated equipment and shall also state which portions of the equipment remain contaminated.
- m. Post-Exposure Evaluation and Follow-up:
  - (1) In the event of employee exposure, Human Resources is responsible to execute medical evaluation and follow-up immediately following any exposure.
    - (a) The City can request that the source individual consent to serologic testing for evidence of HIV/HBV infection.
    - (b) If the source person consents to serologic testing and is seronegative and has no evidence of HIV/HBV infection.
      - (i) The employee and the source person are to be informed of the test results.
      - (ii) A record is to be maintained of those results and in such matters there will be no follow-up.
  - (2) If a City employee is involved in an exposure incident, the employee is to report the potential exposure to their supervisor immediately. The supervisor will contact the Risk Manager or his/her representative immediately. It is the responsibility of the

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department head or his/her representative, working in cooperation with the Risk Manager to obtain the following information:

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- (a) Nature of the exposure
  - (b) Extent of the exposure
  - (c) Suspected source and witness information
- (3) The employee is required to immediately go for a medical evaluation at Huntsville Memorial Hospital. The testing and medical evaluation will be conducted to determine seronegativity by a consulting physician based on the following schedule listed below. Should a test be found to be positive additional testing will be conducted as ordered by the consulting physician. Human Resources shall be responsible for maintaining all records.
- (a) The employee will be medically evaluated for evidence of infection immediately.
  - (b) The employee will be medically evaluated for evidence of infection at six (6) weeks after the first test.
  - (c) The employee will be medically evaluated for evidence of infection at twelve (12) weeks after the first test.
  - (d) The employee will be medically evaluated for evidence of infection at six (6) months after the first test.
  - (e) The employee will be medically evaluated for evidence of infection at one (1) year after the first test.
  - (f) If all the above tests are negative no further follow-up will be conducted.
  - (g) Medical and Psychological consulting will be made available for both the employee and their family, when appropriate.
  - (h) The requirements of the Worker's Compensation Act will be followed if the exposure incident and subsequent conversion is determined to arise out of and be in the scope of employment. All costs related to the regimen of testing will be paid by the City of Huntsville. The City will make reasonable efforts to maintain the confidentiality concerning an employee's exposure to any communicable

disease.

- n. Education and Training - All employees with reasonably anticipated exposure to blood or other potentially infectious material(s) shall participate in the Bloodborne Pathogens Education Program at no cost to the employee and during working hours. This shall occur at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training, when changes such as modification of tasks or procedures or the institution of new tasks or procedures affect the employee's occasional exposure, shall be provided which may be limited to addressing the new exposures created.
- o. Record Keeping:
- (1) An accurate medical record for each employee with occupational exposure, in accordance with 29 CFR 1910.20, shall be maintained by the Risk Manager. This record shall include the name and social security number of the employee, a copy of the employee's hepatitis A and B vaccination status including the dates of all the hepatitis A and B vaccinations and any medical records relative to the employee's ability to receive vaccination, a copy of all results of examinations, medical testing, and follow-up procedures required as part of any post-exposure medical evaluation including the employer's copy of the healthcare professional's written opinion and a copy of the information provided to the healthcare professional as part of that evaluation.
  - (2) Employee medical records will be kept confidential and not disclosed or reported without the employee's express written consent to any person(s) within or outside the workplace except as required by this section or as may be required by law. Such records shall be maintained for at least the duration of employment plus thirty (30) years, except as provided in accordance with 29 CFR 1910.20.
  - (3) Training records shall be maintained and shall include the dates of the training sessions, contents or a summary of the training sessions, the names and qualifications of persons conducting the training, the names and job titles of all persons conducting the training, and the names and job titles of all persons attending the training sessions. Training records shall be maintained for three (3) years from the date on which the training occurred.
  - (4) All employee medical records or training records shall be made available upon request to the Assistant Secretary of OSHA and the

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Director of the Occupational Safety and Health Administration (OSHA) for examination and copying.

- (5) Employee training records shall be provided upon request for examination and copying to employees, to employee representatives, and to the Director or Assistant Secretary (OSHA) in accordance with 29 CFR 1910.20.
- (6) Employee medical records shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to the Director or the Assistant Secretary (OSHA) in accordance with 29 CFR 1910.20 (h).
- (7) Requirements involving transfer of records set forth in 29 CFR 1910.20 (h) shall be followed.
- (8) The Director of OSHA shall be notified at least three (3) months prior if cessation of business occurs and there is no successor employer to receive and retain the records for the prescribed period. Such records shall be transmitted to the Director, if requested by the Director to do so, within that three (3) month period.

p. Employee Responsibilities:

- (1) In addition to specific responsibilities outlined above, employees performing tasks with reasonably anticipated exposure to blood or other potentially infectious material(s) are required to inform a designated Infection Control Representative if proper protective clothing and equipment is unavailable or appears inadequate to provide appropriate protection from such exposure. Employees are required to report to a designated Infection Control Representative any incidents or observations suggesting inadequate use of personal protective clothing and/or equipment or other control measures by any employee.
- (2) Employees are required to follow the requirements of these policies and procedures, including all work practice requirements. The use of Universal Precautions and the use of specific engineering controls and protective equipment outlined is mandatory.
- (3) Employees that do not follow these requirements are subject to disciplinary action up to and including discharge.

- q. Department Policies - Selected departments in the City of Huntsville will implement an operational policy for dealing with exposure to bloodborne pathogens to attach to and supplement the general City policy.

G. Hazard Communications Safety Procedure - The Federal Emergency Planning and Community Right to Know Act (42 U.S.C. Section 11001- 11050).

1. Overview:

- a. As part of a policy that every employee is entitled to work in a reasonably hazard free environment, The City of Huntsville has adopted this procedure to ensure that every employee is aware of the safety and health hazards associated with the chemical products used within their operating departments.
- b. The Hazard Communications Safety Procedure (HCSP) is under the direct supervision of the Training/Risk Coordinator of Administrative Services. The procedure is intended to ensure that:
- (1) All hazardous chemicals are properly identified and labeled upon entry into the work place.
  - (2) Material Safety Data Sheets (MSDS) for hazardous chemicals are maintained in each department and are readily available to the employees working with those chemicals.
  - (3) Employees working with hazardous chemicals are properly instructed about the hazards of those chemicals, how to work safely with them and what special precautions are required.
  - (4) Compliance is maintained with State and Federal law as it Relates to employee and community right-to-know requirements.

2. Compliance Procedures:

- a. The Risk Manager will conduct a yearly survey of chemicals in use within City departments. User departments are to submit an updated list to the Risk Manager.
- b. The Risk Manager will maintain a central training record by employee, date, trainer and department for all City operations.

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- c. The Risk Manager will submit to each department a previous list of chemicals reported in use. Upon receipt a review is to be made for changes, additions and deletions. The responsibility to complete the yearly chemical survey and update the chemical list is that of the department head.

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H. Material Safety Data Sheet Requirements:

1. Purchasing will be responsible for obtaining Material Safety Data Sheets on all chemicals for which it purchases.
2. Purchasing will be responsible to distribute the Material Safety Data Sheets as follows:
  - a. One copy to Risk Management.
  - b. One copy to the user department.
3. Departments that purchase their own chemicals shall be responsible for obtaining those particular Material Safety Data Sheets.

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Departments procuring their own Material Safety Data Sheets shall distribute one copy to Human Resources.

4. Each department will maintain copies of the Material Safety Data Sheet for hazardous chemicals at each work site in a manner readily accessible to employees in the area during every work shift. The department will:
  - a. Check each Material Safety Data Sheet to verify that it contains the required information.
  - b. Contact the vendor, in conjunction with Human Resources, immediately if the information is inadequate.
  - c. Maintain a master list of all Material Safety Data Sheets for hazardous chemicals used in the department.
  - d. Direct copies of the Material Safety Data Sheets to each supervisor using that particular hazardous chemical.
  - e. Be responsible for disbursing copies of Material Safety Data Sheets to medical personnel, employees or their designated representatives and authorized governmental representatives.

| The Risk Manager will be responsible to maintain a City-wide master inventory of Material Safety Data sheets for hazardous chemicals.

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| 6. It is the joint responsibility of the Risk Manager and the user department to ensure that the following minimum data is made available on the Material Safety Data Sheets.

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- a. Identity used on the label.
- b. Physical and chemical characteristics.
- c. Physical hazards.
- d. Health hazards, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical.
- e. Primary routes of entry.
- f. OSHA permissible exposure limit, American Conference of Governmental Industrial Hygienist, Inc. (ACGIH) threshold limit value and manufacturer recommended limits.
- g. Whether the subject material is listed in the latest edition of the National Toxicology Program (NTP) Annual Report on Carcinogens, and International Agency for Research on Cancer (IARC) Monograph as a potential carcinogen or an OSHA potential carcinogen.
- h. Generally recognized precautions for safe handling and use (which are known to the Material Safety Data Sheet preparer).
- i. Generally applicable control measures such as appropriate engineering controls, work practices and personal protective equipment.
- j. Emergency and first aid procedures.
- k. Procedures for cleanup of leaks or spills.
- l. The date of preparation of the Material Safety Data Sheets or the last change to it.
- m. The name, address and 24-hour telephone number of the preparing or distributing manufacturer who can provide additional information.

7. Training Procedures:

- a. Each employee who is or may be exposed to a hazardous chemical(s) shall be provided with information regarding the requirements of the MSDS and any operations which use hazardous chemicals and the location(s) of this written procedure. Additionally, each employee shall be trained as to the detection methods, physical and health hazards, protection methods, as well as labeling and Material Safety Data Sheet provisions for hazardous chemicals in use.
- b. Every current employee shall be so informed and trained annually thereafter. When a new employee is hired or transferred, that employee will receive information and training at the time they are assigned to work in an area which may expose them to a hazardous chemicals.
- c. Whenever a new chemical or toxic substance is introduced into the work place, all affected employees shall be trained as to the hazard(s) involved.
- d. All employee information and training shall be conducted by, and be the responsibility of the department, and all training information will be forwarded to the Risk Manager. A written record shall be kept which identifies the names of persons trained, the date of training, the trainer and training outline. Information and training shall include as a minimum the following elements:
  - (1) Information on the requirements of the Material Safety Data Sheets, which includes availability of information, exemptions from the standard, interpretation of key definitions and how a chemical is deemed hazardous.
  - (2) The employees shall be informed of the hazardous chemicals within their work areas and as to where these chemicals are located.
  - (3) The employees shall be informed of the location of the MSDS Manual. They shall also be informed that this procedure contains a list of all hazardous chemicals on site as well as a copy of each pertinent Material Safety Data Sheet.
  - (4) Employees shall be trained to understand how a self-monitoring system works, how an alarm system works and how the labels on containers identify the location of and the hazardous nature of chemicals.
  - (5) The employees shall be trained as to the details of this Hazard Communication Program, including a review of each section of this program. Particular attention shall be given to the explanation as to how a Material Safety Data Sheet is constructed and what the

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various sections contain. Attention is to be given to the labeling program and how names on labels key to the specific Material Safety Data Sheet. Coding stationary containers is to be explained. At this time employees must be told exactly how they can obtain copies of a Material Safety Data Sheet.

- (6) Employees shall be informed of the hazards of specific chemicals to which they are exposed. This may be done either by individual chemical or by class of chemical hazard. Information on such hazards, both health and physical, shall be taken from the Material Safety Data Sheet for that chemical or class of chemicals.
- (7) Utilizing information from the Material Safety Data Sheets, every employee shall be trained as to how they may protect themselves from exposure. This must include all safety supplies and equipment to be used. Specific items to be covered include, but are not limited to:
  - (a) Cleaning of tanks and reactors.
  - (b) Changing hoses and pipes which may contain hazardous chemicals.
  - (c) Other activities as required.

8. Information for Contractors:

- a. It shall be a condition of any contract issued for services by another employer that the contractor's employees be properly trained. This can be accomplished by arranging a meeting with the contractor prior to initiation of contract work. At such a meeting the contractor will be informed of the specific chemicals to which their employee will be exposed, will be given copies of pertinent Material Safety Data Sheets, and will be advised of safety procedures. The contractor must supply like information and training for City employees when chemicals are used in their process and or work.
- b. At the conclusion of any information and training session an opportunity for QUESTIONS must be conducted. If an answer is not known, the instructor will obtain the answer. Once the answer is obtained it will immediately be conveyed to the employee in writing.

I. Procedure to Ensure Proper Labels - All containers which contain hazardous chemicals shall be labeled in accordance with the OSHA regulations (29 CFR Part 1910.120). In order to ensure that this is accomplished, the following steps will be taken:

1. Purchasing will notify suppliers outlining directions for proper labeling.
2. The departments receiving chemicals are instructed as follows:
  - a. Determine whether incoming orders contain hazardous chemicals.
  - b. Inspect those containers to determine if labels are affixed.
  - c. Make sure that labels contain the name of the material, an appropriate hazard warning, the name and address of the manufacturer, importer, or other responsible party.
  - d. If you are unsure as to whether the hazard warning is appropriate, contact the Risk Manager.
  - e. In the event that labels are not affixed it shall be the responsibility of the department receiving the chemicals to see that the proper labels are affixed to the containers. Contact Purchasing prior to unloading the shipment for use, if there is a problem in this regard.
  - f. In the event that Purchasing is notified that labels are not present, the Purchasing Agent shall immediately contact the supplier to make arrangements to obtain labels.

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**J. Procedure to Ensure that Labels Contain Required Information:**

1. All containers of hazardous chemicals must be labeled in accordance with OSHA regulations. Specifically, each required label must contain the following information:
  - a. The identity of the hazardous chemical.
  - b. Appropriate hazard warning.
  - c. Name and address of the chemical manufacturer, importer or other responsible party.
2. In order to assure that this is accomplished, an appropriate hazard warning must clearly and concisely identify the hazard. Examples of appropriate hazard warnings are:
  - a. Physical hazards classified and listed as:
    - Corrosive
    - Irritant
    - Reactive

- Oxidizers
- Flammable/combustible
- Explosive

b. Health hazards, classified and listed as:

- Acutely toxic
- Chronically toxic
- Carcinogenic
- Mutagenic
- Teratogenic
- Sensitizing agent

c. Route of entry.

d. Symptoms, acute and chronic exposure.

e. Safe handling procedures.

f. Emergency procedures.

3. The name and address of the manufacturer, importer or other responsible party. This name should be the same as found on the bill of lading received with the shipment. In the event that labels do not contain the required information, employees are instructed to contact the Purchasing Department and not unload or distribute the materials.

**K. Procedures to Ensure that Labels are Properly Displayed:**

1. All containers of hazardous substances shall be labeled and such labels shall remain on the container for the life of the container.
2. All employees are to be instructed that labels are not to be removed.
3. If labels are destroyed or removed, the container's contents are to be identified and marked with the required information which may be copied from another identical container.

**L. Procedures for Labeling Stationary Containers - Stationary containers will be labeled by the using department. When such systems are used, written information such as:**

1. Color code identification;
2. Placard explanations; and
3. Process sheet details and identifiers,

will be compiled into clearly marked manuals and made available in central locations within the work area. All employees will be notified of the existence and location of such material(s) by their supervisors.

**M. Identification of Transfer Containers:**

1. Transfer containers need not be labeled if hazardous material(s) transferred in them are immediately and completely used by the employee conducting the transfer. The transfer shall not be made until all necessary information regarding possible hazards of transfer have been explained to the employee.
2. Operations personnel are to be instructed about this option. Questions as to whether a container qualifies for this exemption shall be referred to the Risk Manager. If a question arises, the container will be labeled.

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**N. Respiratory Protection Program:**

Overview:

1. When it is not feasible to render the environment completely safe it may be necessary to protect the worker from contact with airborne contaminants. Personal protective equipment should be provided and used when:
  - a. It is not possible to enclose or isolate the process or equipment, provide ventilation, or use other control measures; and/or
  - b. There are short exposures to hazardous airborne concentrations of contaminant.
2. Design of respiratory protective devices varies in application and protective capability. The department head or his designate and the Risk Manager are to assess the inhalation hazard to assure proper selection.

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**O. Responsibility - Program Administration:**

1. Formulation and coordination of the Respiratory Protection Program is the responsibility of the department head or his/her designee and the Risk Manager. These responsibilities include:
  - a. Formulating and making necessary changes in the respiratory protection program to adapt it to departmental use.

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- b. The Risk Manager and the department head or his/her designate will make certain the program complies with federal, state, and local regulations and ordinances.
  - c. The Risk Manager will arrange periodic monitoring and advise appropriate departments/divisions of potential hazards arising out of any current or proposed process or operation.
  - d. The department head and the Risk Manager will specify engineering and management controls necessary to minimize employee exposure to potentially harmful air contaminants, and specify the design and quality of the respiratory protective equipment.
  - e. The Risk Manager and the department head will periodically measure the program's effectiveness by conducting random inspections to assure that respirators are properly selected, used, cleaned, and maintained.
2. Each City supervisor will understand the Respiratory Protection Program.
- a. They will maintain a work environment that assures the maximum safety and health of employees.
  - b. The supervisor shall furnish employees with the proper personal respiratory protective equipment, ensure proper use, and enforce the wearing of such equipment.
3. The employee should notify his/her supervisor or department head immediately when certain conditions or practices may cause personal injury or illness as it relates to respirator use.
4. The employee shall make use of all prescribed respiratory protective equipment, and follow established practices and procedures.

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P. Medical Evaluation:

- 1. Employees should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the assigned tasks requiring respirators.
  - a. Human Resources will arrange for Pulmonary Function Screening for respirator users under the supervision of a physician.
  - b. The respirator user's medical status will be reviewed periodically by a City designated physician.



- c. The results will be reported to the department, the employee, and Human Resources.
  - d. Procedures for confidentiality and access standards for the actual medical records of the Pulmonary Function
2. Screening for respirator users will be maintained by the Training/Risk Coordinator.

Q. Minimal Acceptable Respirator Program - Any department finding it necessary to supply respiratory protective equipment will have written procedures governing the selection, use, and care of respirators with the assistance of the Risk Manager. This procedure shall be provided to every respiratory user.

2. The Risk Manager will approve the written procedure.

R. Training - Minimum training for both respirator user and supervisor will include but is not limited to the following:

- 1. Instruction in the nature of the hazard, whether acute, chronic or both, with an honest appraisal of what may happen if the respirator is not used properly;
- 2. A discussion of the selection of the type of respirator for the particular purpose;
- 3. A discussion of the respirator's capabilities and limitations;
- 4. Instruction and training in actual use of the respirator, especially a respirator for emergency use. This is to include having the respirator fitted properly, testing the face piece to face seal, and cleaning. The testing is the responsibility of Risk Manager; and
- 5. Special training such as field training to recognize and cope with emergency situations, which is the responsibility of the Risk Manager.

S. Maintenance and Care of Respirators:

- 1. Inspection:
  - a. All respirators shall be inspected routinely by the user before and after each use.
  - b. A respirator that is not routinely used but is kept ready for emergency use shall be inspected after each use and monthly at minimum.

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- c. Self-contained breathing apparatus/gear shall be inspected monthly by the department. Air and oxygen cylinders shall be fully charged according to the manufacturer's instructions. It shall be determined that the regulator and warning devices function properly.

A record shall be kept of inspection dates and findings for respirators maintained for emergency use. The records will be maintained by the department assigned the respirator equipment.

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- d. Respirator inspection shall include a check for the tightness of connections and the condition of the face piece, headbands, valves, connecting tube, and canisters. Rubber or elastomer parts shall be inspected for pliability and signs of deterioration. Stretching and manipulating rubber or elastomer parts with a massaging action will keep them pliable and flexible thus preventing them from setting during storage.
- e. Random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned and maintained. These will be scheduled by the Risk Manager.

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- 2. Cleaning and Disinfection - The following procedure is recommended for cleaning and disinfecting respirators unless the manufacturing representative recommends another procedure:

- a. Remove any filters, cartridges, or canisters;
- b. Wash face piece and breathing tube in cleaner-disinfectant or detergent solution. (The bactericidal agent is generally quaternary ammonium compound and may be available from the manufacturer of the respirator.) Use a hand brush to facilitate removal of dirt;
- c. Rinse completely in clean, warm water;
- d. Air-dry in a clean area;
- e. Clean other respirator parts as recommended by the manufacturer;
- f. Inspect valves, head straps, and other parts; replace with new parts if defective;
- g. Insert new filters, cartridges, or canisters; make sure seal is tight; and
- h. Place in plastic bag or container for storage.

3. Repair - Replacement or repairs shall be done only by experienced persons with parts designed for the respirator. No attempt shall be made to replace components or to make adjustment or repairs beyond the manufacturer's recommendations.
4. Storage:
  - a. After inspection, cleaning and necessary repair, respirators shall be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals.
  - b. Respirators should be packaged or stored so that the face piece and exhalation valve will rest in a normal position and function will not be impaired by the elastomer setting in an abnormal position.

#### 8.04 Safety and Health Inspections

*Effective Date: 9-20-2005*

*Revision Date:*

##### Policy

Safety and health inspections of all departments shall be conducted annually on a formal basis by the Risk Manager. Informal inspections shall be accomplished at a frequency to assure that hazards are kept at a minimum and safe work practices are enforced. Unannounced inspections on safety standards may be made at any time.

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##### Procedure

###### A. Formal Inspections:

1. Safety inspections shall be performed on a schedule that will be convenient to the department head and supervisors concerned.
2. Individuals within the departments shall fully cooperate in the inspection to insure that all areas are covered and all hazards are itemized.
3. The Risk Manager shall utilize checklists appropriate for each area being inspected and emphasis shall be placed upon standards promulgated under O.S.H.A.
4. Emphasis shall be placed upon the condition of facilities, equipment and machines as well as the implementation of the overall program such as:
  - a. Good housekeeping;
  - b. Use of prescribed protective equipment;
  - c. Compliance with published division work rules;
  - d. Qualification of drivers and condition of vehicles;
  - e. Condition of ladders;
  - f. Proper maintenance of electrical equipment;
  - g. Proper guarding of open pits, ditches, tanks, etc;
  - h. Proper storage of flammable/combustible liquids;
  - i. Portable firefighting equipment, first-aid kits and emergency lighting;

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- j. Condition of power and hand tools;
  - k. Proper guarding of powered equipment and machines;
  - l. Excessive noise levels;
  - m. Excessive dust levels; and
  - n. Administrative compliance with these policies and practices and other pertinent directives.
5. Inspection reports shall be kept in departmental files on all inspections and shall show the following:
- a. Date of inspection;
  - b. Inspector's name;
  - c. Written list of deficiencies;
  - d. Recommendations for correction of deficiencies; and
  - e. Action date for correction of deficiencies.
6. A copy of all formal inspection reports shall be furnished to the following:
- a. City Manager
  - b. Department head
  - c. Safety Committee
7. Facilities and equipment noted to be unsafe for use shall be tagged on the spot by the inspector. Personnel who continue to use any item that has been so tagged or who willfully remove the tag before the unsafe condition is corrected shall be subject to disciplinary action.
8. Deficiencies shall be posted for review by all employees and corrected as quickly as feasible. In the case of imminent danger hazards, satisfactory correction shall be completed before work is resumed in the hazard area. Corrections requiring special monetary funds or those beyond control of the department shall be presented to the City Manager.
9. Supervisors shall inform all employees of any unsafe conditions that cannot be immediately corrected and insure that all necessary precautions are taken to prevent mishaps.

- B. Informal Inspections - Informal inspections shall be conducted whenever the need arises. Department heads, supervisors and any employee may request inspections when an unsafe condition or practice is noticed. The Risk Manager shall make recommendations for corrective action or consult with the insurance company's safety engineer for guidance. A record of the visit and discrepancies shall be taken to insure that corrective measures are taken.

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C. Insurance Company Inspections:

1. Purpose and Scope of Inspections:

In order to insure the City's compliance with safety standards, the City's insurance company may independently inspect periodically. Inspections will be made to determine conformance with American National Standards Institute and National Fire Protection Association as they pertain to conditions of building and other facilities, equipment, operational practices and record-keeping procedures.

2. A copy of all inspection reports shall be furnished to the following:

- a. City Manager
- b. Department head
- c. Safety Committee

#### 8.05 Safety Committee

*Effective Date: 9-20-2005*

*Revision Date:*

##### Policy

To effectively involve employees in the application and development of safety rules, regulations and procedures, City departments are encouraged to participate in the Safety Committee. This committee should have representation from a reasonable number of employees, supervisors, and departmental management. While representation on the Safety Committee is encouraged, the manner of selection shall be decided upon by the department head. The Safety Committee is encouraged to meet with reasonable frequency in the course of each year. The deliberations on recommendations of any Safety Committee shall be held in confidence and no evidence; either testimonial or documentary, relating to the deliberations of any Safety Committee shall be admissible in any grievance proceeding conducted pursuant to Section 12 of this ordinance.

##### Procedure

A. The purpose of the Safety Committee is as follows:

1. To arouse and maintain the interest of superintendents, supervisors and employees and keep them informed on safety matters;
2. To arouse and maintain the interest of workers and convince them that their cooperation is needed to prevent accidents;
3. To make safety activities an integral part of operating policies, methods and a function of operation;
4. To provide an opportunity for free discussion of accident problems and preventative measures; and
5. To help the department heads evaluate safety suggestions.

B. The Risk Manager - Will serve as a permanent resource person to all Safety Committee members.

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## 8.06 Injury Reporting and Follow-up

Effective Date: 9-20-2005

Revision Date: 12-11-2007

### Policy

- A. The City of Huntsville will investigate all work-related accidents or incidents that result in or could potentially have resulted in injury or property damage. All accidents and incidents have their own unique characteristics.
- B. Employees must immediately report to their supervisor any on-the-job injury or illness they sustain or suspect they have sustained, no matter how minor. They must also report any incidents that had the potential for injury to employees or third parties and any instances where property damage occurred.
- C. Failure to report any injury or incident may be cause for disciplinary action.

### Procedure

#### A. Procedures for Reporting Employee Injuries:

1. Employees must immediately report to their supervisor any on-the-job injury or illness they sustain or suspect they have sustained, no matter how minor.
2. Supervisors shall first respond to the immediate medical needs of any injured person(s). This could mean , calling for the Emergency Medical Service, or driving the injured person to the hospital themselves. The incident must be reported to their Superintendent. The supervisor shall immediately notify the Risk Manager in the event medical attention is needed. The Superintendent must inform the injured employee that he/she must choose a Treating Doctor from the Alliance list of doctors. If an injured worker chooses to treat with a non-Alliance doctor, he/she assumes risk of payment for the medical treatment and potential loss of income benefits. The Risk Manager will coordinate and assist the injured worker in making a appointment for the employee.
3. The Superintendent must ensure that the injured employee fills out the Injury Investigation Report. The immediate supervisor must sign the Injury Investigation Report along with the employee involved. This form is to be turned into the Superintendent immediately and then to the Risk Manager within twenty-four (24) hours of the injury. It is the responsibility of the Superintendent to notify their department head of any injury.

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4. The Superintendent must ensure that the injured employee fills out the Accident/Incident Investigation Report - Employee's Statement and that the immediate supervisor fills out the Accident/Incident Investigation Report - Supervisor/Department Head's Statement. Both of these forms are to be turned in to the Superintendent immediately and then to the Risk Manager within twenty-four (24) hours of the injury. It is the responsibility of the Superintendent to notify their department head of any injury.
5. If an employee does not seek medical attention at the time of the injury and the pain worsens during the evening hours, the employee must call their supervisor or the Risk Manager before going to the emergency room or soon thereafter. The visit must be verified as a Workers' Compensation claim.
6. The Risk Manager will set up the initial non-emergency medical visit. Immediate notification to the Risk Manager is required for any emergency room visit.
7. The Risk Manager will serve as the injured employee case manager. The injured employee is required to report to the Risk Manager with original paperwork after each doctors appointment.
8. The supervisor/department head shall arrange a light duty assignment for the injured employee either in their department or in another after discussing such with the Risk Manager. The light duty assignment would be under the advisement of the physician as described in the Texas Department of Insurance Division of Workers' Compensation - Form 73. (This form is filled out by the physician and a copy is provided to the Risk Manager.)

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#### B. Procedures for Reporting Damaged Property:

1. Employees must immediately report any damage to City property, as well as damage to private citizen's property, to their supervisor.
2. After reporting the incident that caused the property damage to the Superintendent; the supervisor must fill out the Property Damage Investigation Report - Supervisor/Department Head's Statement. This form is to be turned in to the Risk Manager within twenty-four (24) hours of the incident.

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#### C. Procedures for Reporting Vehicle Accidents:

1. In the event of a vehicle accident, the local police department must be called to investigate the incident. If the accident is in Walker County, the Risk Manager must be called in addition to the Police Department.
2. Collision Reporting Requirements - Any collision involving a City-owned, rented or leased vehicle or privately-owned vehicle used in

service to the City shall be reported as follows:

1. Summon medical care for any injured parties;
2. Notify appropriate law enforcement authorities;
3. Notify employee's immediate supervisor; where as
4. The supervisor shall immediately notify the Risk Manager.

The supervisor shall be responsible for initiating the departmental investigation of the collision, completing all required City reports and recommending any follow-up preventative actions. Reports shall be provided to the Risk Manager within forty-eight (48) hours of the collision.

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3. If an injury to the employee occurs as a result of the vehicle accident, refer to this Section under A, Procedures for Reporting Employee Injuries.

# Exhibit 6

## *Employee Policies and Procedures, Section 9*

### **9.01 Vehicle Operation Policy**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-07*

#### **Policy**

The operation of vehicles is indispensable in conducting City business, and how each vehicle is handled directly affects the production of each respective City department. Vehicular collisions are potentially the most costly losses that can occur when the summation of property damage, bodily injury, fatalities, and liability suits is considered. Such costs can adversely affect every department in efforts to accomplish its mission and maintain good public relations.

#### **Responsibilities/Procedure**

##### **A. Department heads - Having a need for the use of City vehicles shall:**

1. Establish firm internal requirements for personnel to fully adhere to the policies established herein and frequently evaluate their compliance.
2. Establish firm disciplinary action policies that will be taken against employees and their supervisors who show a disregard for good driving practices, and insure it is applied consistently.
3. Insist that all assigned vehicles are maintained adequately for safe operations.
4. Establish periodic inspections of assigned vehicles for malfunctions, signs of abuse, unreported damage and cleanliness. If repairs are necessary, such repairs shall be made as soon as possible.
5. Review each preventable vehicle collision and unsafe driving report with the employee and his/her supervisor to emphasize management's intolerance of irresponsibility behind the wheel.
6. Establish an aggressive campaign to enforce the wearing of seat belts on all trips.

##### **B. Supervisors - Having direct authority over employees, shall:**

1. Ensure that employees do not drive any City vehicle unless they have valid State of Texas driver's licenses and are familiar with State driving rules and regulations. An employee having driving as a primary duty shall be required to have a valid license of the proper class.
2. Ensure that only authorized personnel be allowed to operate City vehicles, special purpose vehicles and trucks.

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- a. An employee shall not be certified as authorized to operate a special purpose vehicle until he/she has satisfactorily demonstrated his/her complete familiarity with its functions. The employee shall thoroughly understand the manufacturer's operating instructions, vehicle limitations and emergency procedures.
  - b. These procedures shall be accomplished for each type of special purpose vehicle and truck the operator is required to operate.
  - c. A record of each vehicle checkout shall be dated and recorded on the individual's Vehicle Operator's Record card, together with signature of the certifying instructor. Re-checks shall be of a frequency deemed necessary by the operator's supervisor to ensure maximum proficiency.
3. Remain alert in observing unsafe driving practices of City employees and ensure that action is taken immediately to correct the driver.
  4. Review all preventable vehicle collisions with employees at Safety Meetings and discuss each unsafe act that was responsible so that something can be gained from the loss.
  5. Periodically ride with special purpose vehicle and truck drivers to evaluate compliance with operating instructions and traffic regulations.
  6. Ensure that unsafe vehicles are not driven until safety issues have been corrected by the Fleet Division.
  7. Ensure that all employees understand that the use of seat belts while driving or riding in a City vehicle is mandatory.
- C. Employees - Are required to follow defensive driving practices which are established for the protection of employees and the citizens of Huntsville. Each employee driving a City vehicle shall:
1. Inspect the vehicle which he/she is about to drive in accordance with established work rules.
    - a. If there is evidence of accident damage, the employee shall report it to his/her supervisor. Otherwise, he/she will be charged for the accident whether or not they were involved.
    - b. If the vehicle is found to be unsafe, the employee shall report it to his/her supervisor and request another vehicle.
    - c. Vehicles having steering or braking defects shall not be driven. They shall be towed to the garage and repaired

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before being returned to service.

2. Report to the supervisor, in writing, all defects noted during the trip.
3. Wear seat belts at all times while driving.
4. Call police in the jurisdiction responsible to investigate all collisions involving City vehicles and report details to immediate supervisor as soon as possible. In the instance that a collision occurs on private property, Risk Management should be contacted instead of the Police Department as the Police Department will not investigate on private property.
5. In addition to Section 10-01, On the Job Employee Behavior, employees operating a City vehicle or operating a vehicle in service to the City shall follow those operating rules.
6. Removal of any equipment from a vehicle without written permission of Fleet Services, the department head and the Risk Manager is prohibited.
7. Operating a City vehicle while under the influence of alcohol or non-prescription narcotics as identified by State statutes is prohibited.
8. No alcoholic beverage (whether opened or unopened), narcotics, firearm or explosive material may be transported in a City vehicle unless designated as part of the driver's responsibility.
9. City vehicles shall not be parked in front of or in parking areas associated with taverns or liquor stores unless employee is on official City business. (Restaurants serving liquor are not included in this prohibition.)
10. Each driver who operates his/her personal vehicle in service to the City must present his/her supervisor with a valid certification of insurance. The certificates are to be forwarded to the Risk Manager.
11. Private vehicles operated in service to the City may only be operated by the owner of said vehicle.
12. Modification of any vehicle or of any equipment in a vehicle without the written permission of Fleet Services, the department head and the Risk Manager is prohibited.
13. Employees who operate a City vehicle shall restrict use of the vehicle to official City business. Personal use other than authorized commuting as defined by the Internal Revenue Service is prohibited.

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14. Employees that require operation of a City vehicle shall not be eligible for driving/operating privileges if the total points assigned to their driving record is 10 or more over a 3 year (36 month) period.

<u>Offences/Violations</u>	<u>Points</u>
• Conviction of an alcohol or substance abuse related driving offense	10
• Conviction of Failure to Stop and Give Information	10
• Conviction of Failure to Stop and Render Aid	10
• Conviction of any serious violation-e.g. reckless driving, endangering lives of others, racing	10
• License Suspension/Revocation	10
• Refusal to submit to a Blood Alcohol Content (BAC) test	10
• Driving without a Valid Drivers License	7
• Conviction for failure to report accidents	5
• Speeding	3
• Any chargeable bodily injury or property damage accident	3
• Conviction of a moving violation	1
• Failure to pay for violation or ticket for no valid insurance	1

All Points will remain on the driver's record for a period of thirty-six (36) months before they are removed. Infractions that have been removed from the driver's current record shall, however, still be considered when driver record reviews are performed.

**Disciplinary Actions for Driving Infractions:**

Allowable Points	Time Period (Months)	City Action
2-3 points	1 to 12	Verbal Warning
<ul style="list-style-type: none"><li>• Discussion between Manager and employee</li><li>• Discuss employee's record with employee</li><li>• Discuss desired improvement</li></ul>		
4-6 points	1 to 12	Written Warning
<ul style="list-style-type: none"><li>• Discussion between Manager and employee</li><li>• Discuss employee's record with employee</li><li>• Discuss desired improvement</li></ul>		

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7-9 points

1 to 24

Written Warning or  
Suspension

- Discussion between Manager and employee
- Discuss employee's record with employee
- Discuss desired improvement

10 or more points

1 to 36

Suspension or  
Termination

- Discussion between Manager and employee
- Discuss employee's record with employee
- An employee identified as being in or reaching this threshold may be subject to termination.

**D. Risk Management shall:**

1. Maintain and administer an aggressive program for City employees that seeks to reduce vehicular collisions and liability claims against the City.
2. Periodically check drivers' qualifications and validity of license.
3. Maintain complete records on City collisions, property damage, and liability claims, and provide the City Manager with appropriate reports on program progress.

**E. Take-Home Policy - Decisions regarding assignment of City vehicles to employees allowed to be driven to and from work shall be made by the City Manager. Examples of situations warranting a City vehicle to be taken home include the following:**

1. Managerial employees whose personal use of a City-owned vehicle is consistent with the requirements of the position.
2. Employees who are subject to 24-hour call out or have job responsibilities requiring highly irregular work hours.
3. Duty vehicles designed or equipped for urgent response where response time will be enhanced by allowing the vehicle to remain in custody of individual employees. Employees assigned to duty vehicles which are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.

Take home vehicles must not leave the City limits of Huntsville unless the department has received approval from the City Manager. City vehicles taken home over night shall be locked and secured in the responsible employee's driveway or other designated parking space which is in close proximity to the employee's residence.

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F. Collision Reporting Requirements - Any collision involving a City-owned, rented or leased vehicle or privately-owned vehicle used in service to the City shall be reported as follows:

1. Summon medical care for any injured parties;
2. Notify appropriate law enforcement authorities;
3. Notify employee's immediate supervisor; where as
4. The supervisor shall immediately notify the Risk Manager.

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The supervisor shall be responsible for initiating the departmental investigation of the collision, completing all required City reports and recommending any follow-up preventative actions. Reports shall be received by the Risk Manager within forty-eight (48) hours of the collision.

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G. Personally Owned Vehicles Used in Service to the City - The City's self-insurance program provides for excess liability coverage but does not cover physical damage to an employee's personal vehicle. For excess liability coverage to apply, the collision must be determined by the Risk Manager to have occurred during the course and scope of the employee's work duties.

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An employee's personal automobile insurance policy is primary to any City coverage. Employees who use personally-owned vehicles for City business should confirm that their personal automobile insurance policy provides coverage for this use.



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**9.03 Vehicle Collision Review by Board of Inquiry**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

**A. Purpose of the Vehicle Collision Review Board of Inquiry:**

1. To render decisions regarding the preventability of collisions involving City vehicles or vehicles in service to the City.
2. To review traffic violation convictions while operating a City vehicle or vehicles in service to the City.
3. To recommend disciplinary action when appropriate.

**B. Composition of Vehicle Collision Review Board Inquiry:**

1. The Review Board will be comprised of the following:
  - a. City Police Officer assigned by the Chief of Police.
  - b. Human Resources Representative (permanent Chairperson).
  - c. Department head of the department or his/her designee whose collision is being reviewed.
  - d. Two (2) members of the driver's department. The method of selection is to be determined by the department head.
2. Accident under review - In some cases, the Review Board may require the individual(s) involved to appear personally before the Board when their case is being reviewed.
3. Manager under review - The Risk Manager will act as advisor (ex-officio) to the Review Board and will be responsible for all fact gathering that may be required.

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**Procedure**

- A. Departments Responsible for Fleet Operations** - Each department responsible for fleet operations shall utilize the service of a Board of Inquiry to review vehicle collisions. All collisions resulting in damage to one vehicle in excess of \$100.00 shall be reviewed by the Board. The functions of the Board in reviewing vehicle collisions are as follows:

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1. Convene as soon as possible after any collision involving a City vehicle to objectively consider evidence presented by the driver concerned, his/her supervisor, and the police report of accident investigation. This also applies to employees authorized to drive their personal cars on official City business.
2. If a defect or malfunction of any vehicle component is claimed, it is incumbent upon the Board to determine validity by reviewing maintenance records or obtaining information from the mechanic involved in the post-crash repair or examination. If laboratory analysis of component failure is deemed essential, the Board shall order the analysis and withhold judgement until the lab report is received.
3. Determine the true cause of the collision and whether it was PREVENTABLE or NON-PREVENTABLE. A preventable collision is one in which the driver failed to do all that could be reasonably expected of him/her to avoid the collision.
4. Review the driver's history.
5. Report in writing to the department head what the Board finds and recommends for corrective action. Board findings shall be entered in the employee's personnel file.
6. If, in the judgment of the department head, the Board failed to fulfill its responsibility, he/she should require that it reconvene and re-evaluate the case. Board findings and recommendations provide guidance for management decisions on loss control policies, and the importance of a thorough, objective examination of each collision cannot be overemphasized.

- B. Disciplinary Action - When violations of policies which are directly associated with saving lives, preventing crippling injuries or eliminating expensive lawsuits occur, corrective action shall be immediate. Disciplinary action shall be taken when any employee causes injury to themselves or others or destroys or damages equipment by willful violation of work rules, by disregarding traffic regulations or by demonstration of an attitude of indifference or defiance. Department heads shall have latitude in determining the extent of disciplinary action to be taken within their departments; however, a continuation of this policy will be completely dependent upon the adequacy of actions taken.

Disciplinary action resulting from safety violations shall be monitored closely by Human Resources and in cases where little or no action is taken, those department heads responsible shall be required to justify their lack of action upon receipt of a query from the Personnel Committee of the City Council and/or the City Manager.

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- C. Vehicle Operator's Records – The Risk Manager, shall maintain a record on each vehicle operator to show a complete picture of his/her capability. Information shall include:

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1. Date started;
2. Date of driver's permit and subsequent dates of renewal;
3. Date of physical examinations;
4. Physical limitations; and
5. Accident history showing date, type of accident, whether it was preventable, and a list of traffic violations.

These records shall be an item of interest in annual formal inspections.

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**9.04 Drug and Alcohol Testing**

*Effective Date: 9-20-2005*

*Revision Date: 12-11-2007*

**Policy**

The City of Huntsville recognizes that drug and alcohol abuse ranks as one of the major health problems in the world and affects an employee's performance and safety on the job. It is therefore necessary and required by law that the City provide a drug-free working environment for its employees.

It is the City of Huntsville's intention to comply fully with the Department of Transportation's (DOT) regulations governing drug and alcohol use and testing, by incorporating them in this policy. In the event that federal and state regulations are amended, this policy and its applicable terms, conditions and/or requirements shall be deemed amended automatically in order to reflect and be consistent with said regulations.

**A. Definitions and Terms Applicable to This Policy:**

1. Safety - sensitive function, for the purpose of this Policy, means any of the following:
  - a. Driving or operating any City owned motor driven equipment on a full time, part time or temporary basis;
  - b. Inspecting, servicing, repairing, or conditioning motor equipment;
  - c. Loading or unloading, giving or receiving shipments being loaded or unloaded.
2. DOT driver - Any current or prospective employee who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce; driver of a motor vehicle used to transport hazardous material(s) in quantities which require the vehicle to be placarded, regardless of the vehicle's size.
3. Safety-sensitive worker - Any current and/or prospective employee who falls into the category of:
  - a. Performers of safety-sensitive functions as described in this Section under item 1, Safety - sensitive function;
  - b. Operators of personal vehicles which are used for city business (including, but not limited to, employees receiving car allowances from the City of

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Huntsville or receiving mileage reimbursement from the City of Huntsville);

- c. Public safety personnel (Police, Fire, etc.); and/or
  - d. Public safety communications personnel.
4. City business - Includes, but is not limited to, work performed on or in City property including a City vehicle, and work performed on or in a non-City vehicle being used for City business.
5. Refusing to be tested means:
- a. Failing to provide an adequate urine specimen for a drug test without a valid medical explanation;
  - b. Failing to provide adequate breath for an alcohol test without a valid medical explanation; and/or
  - c. Failing to submit to a test as directed, or engaging in conduct which clearly obstructs the testing process.

Examples of obstructing the testing process include:

- (1) Leaving the scene of an accident without a valid medical or safety reason;
  - (2) Not presenting for a test at the time directed without a valid excuse;
  - (3) Tampering with a urine specimen;
  - (4) Tampering with an alcohol testing device;
  - (5) Failing to provide required identification; and/or
  - (6) Failing to cooperate with federal, state or local law enforcement officer at the scene.
6. Positive alcohol breath test - Alcohol concentration level registers 0.02 or greater.

**B. Prohibited Drug and Alcohol Use and Activities:**

1. The City of Huntsville prohibits its employees from:
- a. Using, being under the influence of, or possessing illegal drugs;

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- b. Using or being under the influence of legal drugs that are being used illegally;
  - c. Using or being under the influence of legal drugs which use can affect the ability of the driver to perform his or her job safely; and/or from
  - d. Selling, buying, soliciting to buy or sell, transporting, or possessing illegal/legal drugs in an illegal manner, while on City time or property (Except for approved law enforcement activities).
2. Employees are prohibited from:
- a. Using alcohol intoxicants within four (4) hours of reporting for work;
  - b. Being under the influence of alcohol at any time while at work;
  - c. Possessing any amount of alcohol intoxicants on City property or in City vehicles (Except for approved law enforcement activities);
  - d. Testing positive for alcohol;
  - e. Refusing to be tested for drugs and alcohol as defined in this Section under A-5, of this policy; and/or from
  - f. Violating any applicable federal and/or state requirement governing the use of drugs or alcohol.

**C. Required Tests:**

1. Pre-Employment/Transfer Testing - Once a job offer has been made, the applicant will be required to submit to a drug and alcohol test as part of his/her post-job offer physical. This is to be completed before the applicant is allowed to report for work. This also applies to an employee who transfers from a non-covered position into a position which is covered by this policy on or after May 17, 2005.

Prior to taking a pre-employment drug and alcohol test, the applicant will be given forms notifying him or her of the collection procedures for each test. The applicant will also be asked to execute a general consent and release form to be tested for drugs and alcohol.

All employment offers made by the City of Huntsville or to transfer a current employee are conditioned upon the applicant:

- a. Completing all of the "consent to be tested" forms;

*Employee Policies and Procedures, Section 9*

- b. Taking and passing the drug and alcohol test as described by this policy; and
- c. Signing the authorization form for the City of Huntsville to obtain all of the applicant's past drug and alcohol test results, including any refusals to test, from each of his or her previous employers for the previous two years.

Any applicant who refuses or fails to comply with this policy will not be considered qualified for the position for which they have applied and will also be subject to disciplinary action, up to and including termination.

2. Post-Collision Drug and Alcohol Testing - Any employee who is involved in a collision while operating a City vehicle or a personal vehicle for city business must submit to a post-collision drug and alcohol test when:

- a. It involves the death of a human being; or
- b. The employee receives a citation for a moving violation (or the employee's actions are cited in the official Peace Officer's Report as a contributing factor) and either a person requires immediate medical attention away from the scene or one or more of the vehicles must be towed away from the scene because of disabling damage. The drug and alcohol test is to be conducted within two (2) hours post-collision, or eight (8) hours in unusual circumstances.

An employee who is required to take a post-collision drug and alcohol test will, at the City's discretion, either be assigned to a non safety-sensitive or safety-related function, or placed on leave with pay, while awaiting the results of the tests.

An employee who refuses or fails to submit to a post-collision drug and alcohol test, which tests positive for drugs and/or alcohol, who unnecessarily delays reporting to the test site following an accident, or who fails to comply with the City's post-collision testing procedures will be subject to disciplinary action, up to and including termination.

3. Reasonable Suspicion Testing - An employee will be required to submit to a drug and/or alcohol test when the City has reasonable suspicion that an employee has used drugs and/or alcohol in violation of these policies.

Reasonable suspicion shall be based on specific, objective facts and reasonable inferences drawn from those facts.

Reasonable suspicion shall exist when an employee's behavior, appearance, speech and/or body odors indicate drug and/or alcohol use. If the test is requested for compliance with D.O.T. regulations (in addition to compliance with this

*Employee Policies and Procedures, Section 9*

policy), then such observations must be personally made and documented by City of Huntsville supervisory personnel who have received training involving the physical, behavioral, speech and performance indicators of probable drug and alcohol use. When an employee is notified that there is reasonable suspicion to be tested, the employee shall also be informed that he or she may:

- a. Comply with the requirement;
- b. Appeal the requirement to another supervisor (starting at the department head level); or
- c. Refuse the requirement and be subject to disciplinary action, up to and including termination.

If the effected employee requests an appeal, a hearing will be conducted immediately (within two (2) hours, if possible) with the supervisor requesting the reasonable suspicion test, Human Resources or The City Manager's designee, and the employee present.

Human Resources or the City Manager designee shall determine whether there is reasonable suspicion that the charges against the employee are true and whether the charges support the employee's proposed testing. Human Resources or the City Manager's designee shall have the authority to order the employee to submit to testing for the presence of alcohol and/or illegal drugs or order that the allegations against the employee be dismissed.

Employees who are required to submit to a reasonable suspicion test will be escorted by supervisory personnel to the testing site.

Once the reasonable suspicion test has been completed, the employee will be transported home or given an opportunity to contact someone else to take him/her home.

An employee who is required to take a reasonable suspicion test will be considered unqualified to work and placed on leave with pay pending the results of the test.

Any employee who tests positive in a reasonable suspicion drug and alcohol test, who refuses or fails to submit to a reasonable suspicion test, will be subject to disciplinary action up to and including termination.

4. Random Testing – DOT drivers and safety-sensitive workers are subject to random drug and alcohol testing.

The City of Huntsville will conduct drug and alcohol testing on a random basis at the beginning, during or end of a regularly scheduled

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### *Employee Policies and Procedures, Section 9*

work shift. The testing dates and times will be unannounced and with unpredictable frequency throughout the year. The number of random tests conducted will, at a minimum, equal the amount required by federal and/or state regulations.

Every employee will have an equal probability of being selected every time the selection is conducted. Appropriate safeguards will be present to ensure that the identity of individuals cannot be determined prior to, or at the time of their selection. Whenever an employee is randomly selected to be tested, he or she will be notified of this, just prior to the test and instructed to report to the collection site immediately. Any employee who tests positive or who refuses to submit to a test is subject to disciplinary action up to and including termination.

5. Return to Duty Testing - Should the City of Huntsville elect to consider reinstating or rehiring an employee who violates this policy, he or she will be required to submit to and pass a drug and alcohol test before he or she will be permitted to return to duty. For a return to duty alcohol test, the alcohol level must be less than .02.

Before being permitted to return to work, the employee must execute a "last chance" agreement and submit to at least six unannounced follow-up tests during the next 12 months.

Any employee who refuses to comply with the return-to-duty requirements, or who tests positive will be considered unqualified to perform his or her job and subject to disciplinary action up to and including termination.

6. Follow up Testing - An employee who is returned to duty after a positive drug or alcohol test is required to submit to unannounced follow-up testing as one condition of continued employment.

At a minimum, the employee will be required to submit to at least six tests during the first twelve (12) months following the employees' return to duty. The date and time of such tests will be at the discretion of the Division and/or department head and Human Resources conducted at random, without prior notice being given to the employee.

An employee who tests positive or who refuses to submit to a test, will be considered unqualified to perform his or her job and subject to disciplinary action up to and including termination.

#### **D. Testing Methodology and Integrity:**

1. To insure the integrity of each test, all specimen collection, analysis, and

*Employee Policies and Procedures, Section 9*

laboratory procedures shall be conducted in accordance with DOT procedural protocols and safeguards. This includes, but is not limited to:

- a. Procedures to insure the correct identity of each employee at the time of testing;
  - b. Strict chain of custody procedure to ensure that the specimen is not tampered with by the collection agency;
  - c. The use of a trained breath alcohol technician (BAT) and DOT approved testing devices for conducting alcohol tests;
  - d. The use of a laboratory which has been certified by the National Institute for Drug Abuse (NIDA);
  - e. The confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS)
  - f. The confirmation of an initial positive alcohol screen by a second analysis; and
  - g. The City's appointment of a qualified Medical Review Officer (MRO) to review positive drug test results before they are reported to the City of Huntsville's designated representative.
2. The City of Huntsville will provide employees with written and/or oral instructions regarding the conduct of the specific test before each testing event.

**E. Drug Testing Procedures:**

1. Drug testing will require that the employee provide a specimen of his or her urine.
2. At a minimum, urine specimens will be analyzed for the presence of the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
3. All drug tests will be administered using the split sample methodology required by DOT. Under this methodology, the employee must provide at least forty-five (45) milliliters (ml) in a specimen container. The specimen will then be divided into two specimens. The container containing thirty (30) ml will be analyzed as the employee's primary specimen. The second container will be held by the laboratory and sent to another lab at the employee's request in the event that the primary specimen is verified positive. In the event the primary specimen is verified positive, the employee will be notified by the City's MRO or by the City's designated representative of the positive test and given the option to have the second container sent to a different laboratory for analysis. To exercise this option, the employee must advise the City's MRO or designated representative

*Employee Policies and Procedures, Section 9*

within seventy-two (72) hours of being informed of the primary positive result. The employee will be responsible for the cost of having the second sample analyzed.

4. Except for the use of methadone and medications containing alcohol, nothing in this policy prohibits the employee's use of a medication legally prescribed by a licensed physician who is familiar with the employee's medical history and specific job duties and who has advised the employee that the prescribed medications will not affect the employee's ability to perform his job safely. Medications prescribed for someone other than the employee, however, will not be considered lawfully used when taken by the employee under any circumstances.
5. Before being tested for drugs and/or alcohol, an employee will be given an opportunity to list, on his or her copy of the chain of custody form, any prescriptions and non-prescription medications he or she is taking at the time of the test. A "positive" drug test may be declared "negative" by the MRO, if the employee can prove with clear and convincing evidence that the drug was prescribed by a licensed physician within the last two (2) years, who is familiar with the employee's medical history and specific job duties. This determination will be made by the MRO.
6. In the event that an employee's primary specimen tests positive, the employee will be notified by the city or the MRO and advised that he or she has seventy-two (72) hours to request that the MRO send the secondary specimen to a second, NIDA approved laboratory for analysis. The employee will be responsible for the cost of the second test.
7. Before an employee's test result will be confirmed positive for drugs, the employee will be given the opportunity to speak with the City's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the City as a "negative". If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the City as a "confirmed positive".

**F. Alcohol Testing Procedures:**

1. Alcohol testing under this Policy requires that an employee must provide a breath specimen for any test conducted by or for the City of Huntsville.
2. In addition to this policy, an employee could be subject to alcohol testing conducted by a federal, state or local law enforcement officer following an accident. The employee must provide either a breath or blood specimen, as directed by the law enforcement officer.

*Employee Policies and Procedures, Section 9*

3. Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT).
4. Before being tested by the City, each employee will be required to present his or her personal identification, and execute a DOT "Breath Alcohol Test Form" provided by the BAT. An employee who refuses to provide proper identification, provides false identification, refuses to execute the forms or who otherwise refuses or fails to cooperate will be treated as though he or she had tested positive and will be subject to disciplinary action, up to and including termination.
5. Prior to each alcohol breath test, the BAT will instruct the employee how the test will be performed.
6. To protect each employee, the BAT will open and attach to the testing device an individually sealed mouthpiece in the employee's view. The employee will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.
7. In the event that the employee is unable to provide an adequate amount of breath for the initial or confirmatory test, the employee will be required to submit to an evaluation by a licensed physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be considered a "negative". If the physician determines that a valid medical condition does not exist, the test result will be considered a "confirmed positive".
8. In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than .02, the test results will be reported as "negative" and no additional testing will be required at that time.
9. In the event that an employee provides an adequate breath specimen and the initial test registers an alcohol concentration of .02 or greater, a second confirmatory test will be performed. If the confirmatory breath test registers less than .02, the test results will be reported as a "negative". The confirmation breath test will be administered no sooner than fifteen (15) minutes from the initial breath test and no longer than twenty (20) minutes from the initial breath test. During the wait period for the confirmation test, the employee is not allowed to put anything into his mouth and should be discouraged from belching or burping.

**G. Test Results - Disciplinary Action:**

1. An employee who violates these prohibitions will be subject to restrictions mandated by the DOT as described in part C-6 of this Section and subject to disciplinary action, up to and including termination.

*Employee Policies and Procedures, Section 9*

2. Any employee whose test result is confirmed positive for drugs will be considered unqualified to perform or continue to perform his or her functions safely and subject to disciplinary action up to and including termination. The employee may also be subject to civil and criminal penalties imposed by DOT.
3. An employee whose confirmatory test registers .02 or more but less than .04 will be removed from service and placed on leave for a minimum of twenty-four (24) hours. The employee will be subject to return-to-duty testing and follow-up testing and may be subject to disciplinary action up to and including termination.
4. An employee whose confirmatory test registers .04 or greater will be removed from service and placed on leave for a minimum of twenty-four (24) hours and referred to a Substance Abuse Professional (SAP). The employee may be subject to disciplinary action up to and including termination.
5. Before consideration can be given to returning an employee to duty who has had a BAC (breath alcohol concentration) of .04 or greater, the employee must complete the rehabilitation program as prescribed by the SAP and be subject to return-to-duty and follow-up testing.

**H. Confidentiality:**

The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.

All individual test results will be considered confidential. Individual employee's results will only be released with that employee's written authorization, as is otherwise required by DOT regulations, or by other applicable federal or state law.

# Exhibit H

## Employee Policies and Procedures, Section 10

### 10.10 Cellular Telephones

Effective Date: 9-20-2005

Revision Date: 08-15-2006

#### Policy

The City of Huntsville recognizes that a cell phone can enhance an employee's ability to perform their job responsibilities, and, thus, benefit the employee's department and the City. The City's cellular service shall be monitored and evaluated on a regular basis by a Plan Administrator in order to ensure compliance with established use policies and budgetary restraints.

**Deleted:** The plan Administrator shall be assigned by the Administrative Services Directors from that department.

#### Purpose

- A. To establish a City policy regarding the use of City cell phones and the reimbursement of business related calls on personal cell phones.
- B. To ensure that this service remains efficient and effective to include review of employee utilization of their City-issued phone in accordance with policy, overages are addressed in a timely manner, etc.
- C. To evaluate service plan levels according to use and recommend changes to increase or decrease service levels based on use, cost, etc.

#### Procedure

##### A. City Purchased Cell Phones:

- 1. Contracts, Policies and Procedures - The City may, at its discretion, enter into contracts with cellular telephone service providers. During the period when one or more of these contracts is in force, the City will only purchase cellular telephones or cellular telephone service agreements for employee use on the basis of these contracts, unless a specific exception is granted. Procurement of cell phones and plans shall be administered by the Information Technology Division. Cell phones purchased for employee use should be based on the following criteria:
  - a. The employee's position requires timely two-way business communication while out of the office.
  - b. Phone service plans should be selected to reflect the estimated business use.

*Employee Policies and Procedures, Section 10*

2. Eligibility and Approval - Cellular telephones and services may be provided to certain City employees to conduct activities incident to their City employment that either cannot be conducted on a land-line telephone or for which it would be inefficient to use a land-line telephone. Requests for cell phones must be approved by the employee's supervisor (who will determine need), the department director, the IT Division (who will provide advice on the most appropriate equipment and plans), and the City Manager.

3. Monthly Billing -

The Plan Administrator will be required to review and approve the summary. The department head will be responsible to either require the employee to reimburse the City or approve for payment.

The validity of the

cell phone use for professional vs. personal reasons is subject to audit at any time.

4. Cell Phone Restrictions:

- a. Employees must use a hands free device while driving on City business.
- b. If an employee does not have a hands free device, he/she should let voice mail answer and/or call back when he/she is able to stop at a safe area.
- c. An employee may not operate a personal business from a City cell phone.

5. Personal Calls - The City of Huntsville provides cellular telephones to employees for the purpose of conducting City business. The use of City-owned cellular equipment to make or receive personal calls is discouraged, although it is understood that usage for personal reasons may be necessary in emergency situations. Employees must realize that although personal calls made within the local calling region and under the usage limits provided by the employee's plan do not result in additional charges, they do count toward the overall time limits established under the service agreement. Any overage, long distance, roaming or other charges incurred by the employee for personal calls shall be the responsibility of the employee.

6. Damage, Loss or Theft - Handsets or other equipment that is damaged in the course of business should be brought to the IT Division, who will contact the vendor for replacement or repair. Lost or stolen cellular equipment should be immediately reported to the employee's supervisor and to the IT Division so that the service can be cancelled. All costs incurred for replacement or repair will be the responsibility of the employee's department. If an employee consistently loses or damages his/her cell phone, the employee will be required to reimburse the City for purchasing/replacing the cell phone.

~~Deleted:~~ Invoices for City cell phones are to be directed to the

~~Deleted:~~ Administrative Services Department.

~~Deleted:~~ The §

~~Deleted:~~ Administrative Services Department Director will review all invoices and detail §

~~Deleted:~~ and authorize payment in addition to the plan administrator

*Employee Policies and Procedures, Section 10*

7. Program Management - The relationship with cellular providers shall be managed through the IT Division. IT Division staff will place all orders for cellular telephones and services with the contracted vendor and take delivery of equipment. IT staff will contact employees ordering equipment when it arrives and provide necessary orientation and training. The Plan Administrator, along with the department heads, will monitor plans and overall usage and suggest changes in service agreements to provide the most convenient and economical plan to the employee.

**B. Plan Administration:**

1. The Plan Administrator will be the contact point for supervisors to turn in requests for new or upgraded service plans as well as discontinued service requests. The Plan Administrator will then forward these requests to the City Manager for approval before completing such service request. When an employee terminates or changes to a position that no longer requires a City-issued cell phone, that employee's cell phone must be turned in along with a justification for indicating the change to the Plan Administrator by the end of the employee's last working day (or in that position).
2. The Plan Administrator will receive the monthly statement from the service provider and within three (3) business days will transfer the information to a spreadsheet for evaluation and payment purposes.
3. The Plan Administrator will then forward a copy of the statement and backup spreadsheet delineating charges to the appropriate fund-department/division-object code to Finance as authorized to be processed for payment.
4. The Plan Administrator will review the statement for overages and notify the employee's department head (or their authorized designee) of the total owed to the City. Reports will be provided for reviews to take place at the first City Manager Staff Meeting following receipt of the monthly statement.
  - a. Monthly Review: On a monthly basis, department heads will be notified of their departmental service plan amounts, by user. It is the department head's responsibility to ensure that both the employee is notified and that reimbursement is made to the appropriate account in a timely manner.
  - b. Quarterly Review: The Plan Administrator will prepare a comparison spreadsheet on a quarterly basis to (1) provide department heads with overage amounts, and (2) review service plan levels in order to make recommendations for changes in service plan levels to the department heads. In addition, the Plan Administrator will produce a report to demonstrate reimbursements and delinquencies.



*Employee Policies and Procedures, Section 10*

5. If any employee's monthly service charge exceeds the plan by \$5.00 or more or if an employee's quarterly service charge exceeds their plan by \$10.00 or more, for non-business-related calls, the employee is responsible for reimbursement to the City. The employee is responsible for reimbursement to the appropriate account for the charges owed by the end of the month in which they were notified of the overage. (A form is available for submission with payment to ensure accuracy in accounting – see the Plan Administrator.)
6. Service plan level changes will only be authorized by the City Manager.

**C. Employee Purchased Cell Phones:**

Policies and Procedures - City employees may submit a request for reimbursement when their personal cellular phone is used for business related calls. Employees will be reimbursed a flat rate per minute for local calls. A reimbursement request cannot exceed the amount paid by an employee for a monthly service plan. Taxes, surcharges, late fees and miscellaneous assessments are non-reimbursable. Additional fees related to long distance business calls will be reimbursed per billing detail. Employees must submit their requests for reimbursement on a City of Huntsville Travel and Business Expense Report. Attachments must include a copy of the bill detail with business related calls highlighted, as well as an account summary page detailing monthly package charges. Reimbursement requests must be submitted to Accounts Payable within 30 days following the end of each quarter. Department heads who report to the City Manager shall submit a copy of their Expense Reimbursement Form with copies of billing and account summary detail to the City Manager's Office for review.

The City encourages employees to submit this expense with other employee expense reimbursement requests to reduce unnecessary transactions.

Cell Phone expenses incurred in:	Must be submitted no later than:
October-November-December	January 31
January - February -March	April 30
April - May- June	July 31
July - August-September	October 31

*Employee Policies and Procedures, Section 10*

**10.02 Outside Employment**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

No permanent full-time or part-time employee shall engage in outside employment which is not compatible with the full and proper discharge of duties and responsibilities of his/her position or which tends to impair the capacity to perform his/her duties and responsibilities in an acceptable manner.

Department heads desiring to engage in outside employment must make written requests to the City Manager. Any other employee desiring to engage in outside employment shall request in writing to his/her department head concerning the duties and hours of employment. Department heads may notify the employee that such outside employment is unacceptable and that the employee must discontinue or modify the outside employment or any reason including the following:

- A. If such employment has actual or potential conflict between it and an employee's official duties.
- B. If the outside employment would require an amount of time or effort which will prevent the employee from rendering good service in his/her position with the City.
- C. If the outside employment would ever conflict with a request by the employee's department to work overtime.
- D. If the employment or the place where it is performed are such as to bring either the City or the employee into disrespect or disrepute.
- E. If the employment would require the employee to appear in any City uniform or avail themselves of City equipment, records, documents, files or involve any service being performed by the City.
- F. If it appears from the employee's sick record or other evidence that outside employment might impair his/her ability to discharge his/her obligation with the City.
- G. Employees who are on light duty status are prohibited from having outside employment.

Outside employment shall be subject to the conditions and limitations stated in the employee's notifications or imposed by the department head, Human Resources, City Manager or the City Council.

Also, any injury occurring during outside employment must be reported to the department head and made a matter of record. Copies of the report shall be sent to the Risk Manager and Human Resources. Failure by the employee to report such injury may be cause for dismissal.

Deleted: Training/Risk Coordinator

*Employee Policies and Procedures, Section 10*

**10.02 Outside Employment**

*Effective Date: 9-20-2005*

*Revision Date:*

**Policy**

No permanent full-time or part-time employee shall engage in outside employment which is not compatible with the full and proper discharge of duties and responsibilities of his/her position or which tends to impair the capacity to perform his/her duties and responsibilities in an acceptable manner.

Department heads desiring to engage in outside employment must make written requests to the City Manager. Any other employee desiring to engage in outside employment shall request in writing to his/her department head concerning the duties and hours of employment. Department heads may notify the employee that such outside employment is unacceptable and that the employee must discontinue or modify the outside employment or any reason including the following:

- A. If such employment has actual or potential conflict between it and an employee's official duties.
- B. If the outside employment would require an amount of time or effort which will prevent the employee from rendering good service in his/her position with the City.
- C. If the outside employment would ever conflict with a request by the employee's department to work overtime.
- D. If the employment or the place where it is performed are such as to bring either the City or the employee into disrespect or disrepute.
- E. If the employment would require the employee to appear in any City uniform or avail themselves of City equipment, records, documents, files or involve any service being performed by the City.
- F. If it appears from the employee's sick record or other evidence that outside employment might impair his/her ability to discharge his/her obligation with the City.
- G. Employees who are on light duty status are prohibited from having outside employment.

Outside employment shall be subject to the conditions and limitations stated in the employee's notifications or imposed by the department head, Human Resources, City Manager or the City Council.

Also, any injury occurring during outside employment must be reported to the department head and made a matter of record. Copies of the report shall be sent to the Risk Manager and Human Resources. Failure by the employee to report such injury may be cause for dismissal.

Deleted: Training/Risk Coordinator

## *Employee Policies and Procedures, Section 10*

### **Purpose**

The purpose of this policy is not to discourage outside employment but to formally state conditions under which such outside employment may be unacceptable. Certain positions are of a sensitive nature requiring public trust; the City must assure that no conflict occurs, that no unauthorized use of position or City facilities or property takes place and that all employees are able to fully discharge all duties and responsibilities for which they are being paid. Department heads are responsible for assuring that outside employment is compatible with full discharge of all duties and responsibilities.

### **Procedure**

- A. An employee wishing to engage in outside employment or an employee not employed outside wishing to begin his outside employment shall send a written request to his/her department head. The notice shall state the hours and duties of the employment as well as the employer and place of employment.
- B. The department head shall evaluate the notice and determine its compatibility with the employee's full discharge of current duties and responsibilities.
- C. If the department head disapproves of the outside employment, a copy of the notice and reasons for disapproval shall be sent to the employee and to Human Resources for inclusion in the employee's personnel file.
- D. Department heads desiring to engage in outside employment shall submit a written request to the City Manager stating the hours and duties of employment, the employer and the compensation to be received. The City Manager shall evaluate the request.
- E. The department head, Human Resources or the City Manager and the City Council (where applicable) may establish conditions for approving such employment. Such conditions may be limitations on the outside employment or may approve the employment subject to periodic reviews.

# City Council Meeting Agenda Item

Item Title:

**Ordinance amending traffic schedule**

Date:

6/15/2010

Agenda Item No.:

7c

Requested By:

Aron Kulhavy, AICP, Public Works Director

Dept./Div:

700

Dept. Approval:

AK

## Issue/Item Description:

Adoption of an ordinance amending the traffic schedule to ratify no parking signs in the 1400 block of Nottingham Street.

## Background:

In 2008, staff received a request from the office located at the corner of Aberdeen and Nottingham for no parking signs due to sight distance issues and parking along both sides of the street from residents of a neighboring apartment complex. The no parking signs were installed along both sides of Nottingham, but this action was never ratified by Council.

Upon receipt of notification from two additional parties in the spring of 2010, staff reviewed the placement of the signs and recommended that the north side of Nottingham remain no parking for approximately 250' west of Aberdeen and along the entire south side of Nottingham. The no parking signs on the north side of the street were left due to sight distance concerns and on the south for prohibiting congestion on the street.

This revision to the no parking status was placed in May of 2010 at the direction of the City Manager and is now ready for Council consideration.

## Facts to Consider:

- No Parking signs were originally placed in 2008 at citizen's request
- The no parking zones were reviewed and revised at the request of property owners on Nottingham in May of 2010
- The signs have been in place for approximately 45 days and have had a positive impact on safety

## Fiscal Impact/Funding Source(s):

none

## Attachment(s):

- Ordinance
- Map

## Recommendation(s):

- Approve the adoption of the ordinance to amend the traffic schedule.

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MOTION: ☐

SECOND: ☐

VOTE:

☐ PRESENTED

☐ APPROVED

☐ DECLINED ACTION

☐ TABLED

☐ OTHER

**ORDINANCE NO. 2010-39**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING CHAPTER 44, TRAFFIC AND MOTOR VEHICLES, OF ITS CODE OF ORDINANCES BY PLACING NO PARKING SIGNS ON NOTTINGHAM STREET; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE HEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, THAT:

**Section 1:** The following described no parking zone shall be ratified by the amendments shown below:

<u>Street</u>	<u>Between</u>
<i>Nottingham Street (north side)</i>	<i>from Aberdeen approximately 250' West</i>
<i>Nottingham Street (south side)</i>	<i>Avenue M and Aberdeen</i>

**Section 2:** The City Manager is authorized and directed to cause the placement of proper signs along the above described streets.

**Section 3:** It shall be unlawful for driver of a vehicle to disobey the instruction of the signs placed in accordance with the provisions of this ordinance unless at the time otherwise directed by a Police Officer.

**Section 4:** Any person, firm or corporation violating any provision of this ordinance or failing to comply with any requirement of the ordinance will be guilty of a misdemeanor as provided by Article I, Section 44-4 of Chapter 44 of the Huntsville Code of Ordinances being punishable by a fine of not less than \$1.00 nor more than two hundred (\$200.00) dollars; except that minors who have passed their 14<sup>th</sup> birthday but have not reached their 17<sup>th</sup> birthday shall be punished by a fine of not more than \$100.00.

**Section 5:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect any of the remaining provisions of this ordinance.

**Section 6:** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 7:** This ordinance shall take effect ten (10) days after its passage by the City Council. The City Secretary shall publish the caption of this ordinance in the official City newspaper at least twice within ten (10) days of its passage.

**PASSED AND APPROVED THIS 15TH DAY OF JUNE 2010.**

**THE CITY OF HUNTSVILLE**

\_\_\_\_\_  
J. Turner, Mayor

**ATTEST:**

\_\_\_\_\_  
Lee Woodward, City Secretary

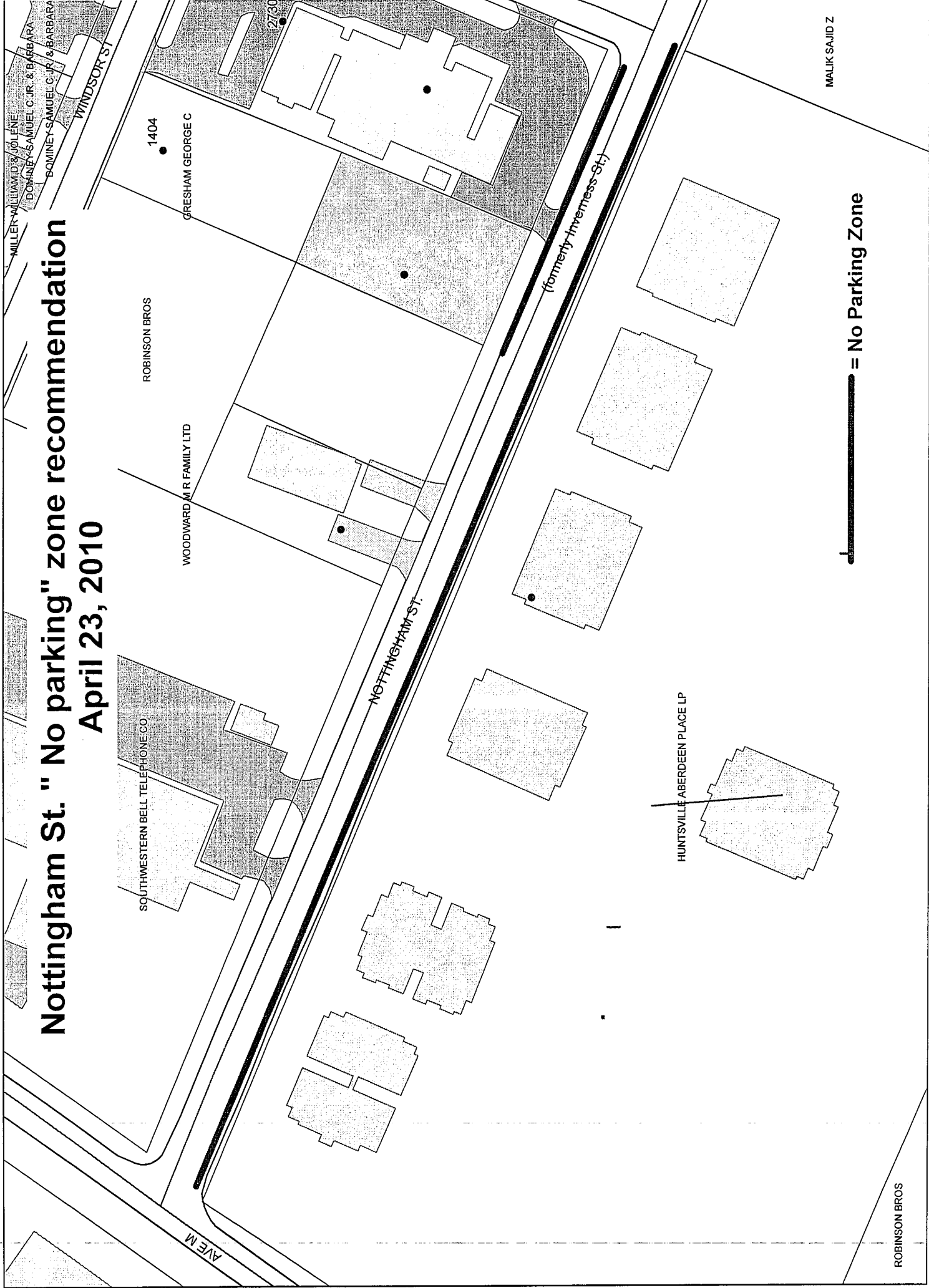
**APPROVED:**

\_\_\_\_\_  
Leonard Schneider, City Attorney



# Nottingham St. " No parking" zone recommendation

## April 23, 2010



# City Council Meeting Agenda Item

Item Title:

**Development Code - Chapter 11 - Signs O...**

Date:

6/15/2010

Agenda Item No.:

7f

Requested By:

Aron Kulhavy, AICP, City Planner

Dept./Div:

716

Dept. Approval:

AK

## Issue/Item Description:

Consider a recommendation of the Planning and Zoning Commission for denial of a request to modify the Development Code, Chapter 11, more specifically regarding an increase in the distance of allowance of signs up to 42-1/2 feet in height along Interstate 45.

## Background:

- There have been at least two variance requests denied in the past for an increase in sign height more than 500' from IH 45
- Staff was directed to bring forward an item to increase the distance from IH 45 in which signs may be erected to a height of 42 1/2' from 500' to at least 600'
- The attached discussion form provides additional background information
- The Planning and Zoning Commission held hearing and voted for denial on the request on June 3, 2010.

## Facts to Consider:

- This code revision would apply to the entire length of Interstate 45 within the City Limits.
- The Comprehensive Plan currently does not address signs.
- A comprehensive review of the Development Code including Chapter 11 is planned in the future

## Fiscal Impact/Funding Source(s):

N/A

## Attachment(s):

- P&Z discussion form
- Map showing 500, 600 and 750' buffers from IH 45

## Recommendation(s):

- The Planning and Zoning Commission unanimously voted to deny the request to amend Chapter 11 of the Development Code.

MOTION: ☐

SECOND: ☐

VOTE:

☐ PRESENTED

☐ APPROVED

☐ DECLINED ACTION

☐ TABLED

☐ OTHER

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# PLANNING AND ZONING COMMISSION AGENDA ITEM DISCUSSION FORM

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Prepared by: Rose Kader, Planner      Aron Kulhavy, AICP, Public Works Director/City Planner

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SUBJECT: Development Code, Chapter 11, Section 1104.5

MEETING DATE: June 3, 2010

TYPE OF REVIEW: Public Hearing, Administrative

APPLICANT: City of Huntsville

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## ***FACTS, CODE REQUIREMENTS AND CONDITIONS***

Staff was directed to propose a revision to the Sign Standards in Chapter 11 of the Development Code. The directive is to expand the area along Interstate 45 so ground signs are allowed to exceed the maximum 20 foot height requirement. This proposed code change is a result of a few variance requests over the years for properties in the vicinity of the Interstate that lie more than 500 feet from the right of way. Specific cases of note are the requests for variances of the Denny's location on Highway 30 and the current Best Western Hotel on West Hill Park Drive.

The current exception to the 20 foot height requirement along Interstate 45 is found in Section 1104.5(1)(a)(1) where ground signs can be constructed at a height not to exceed 42-1/2 feet within 500 feet of Interstate 45.

Staff has included a map showing the existing 500 foot boundary and options for proposed boundaries. These options include a 600 and 750 foot buffer from the edge of the right-of way along Interstate 45. A large map is available at our office prior to the meeting and we will also have the map on hand at the meeting.

This amendment to the Code does not cover a small portion of I-45; it spans the entire length of I-45 in the City Limits on both sides of the interstate.

This item, once acted upon, will be referred to City Council for a public hearing and final consideration. The anticipated City Council date is June 15, 2010.

Below is the excerpt from the Development Code and the text of a proposed (redline) amendment.

### **1104.5      Height limitation and measurement**

#### **(1) Height limitation**

(a) No developer shall establish, construct or erect a ground sign that exceeds a height of twenty (20) feet when measured according to Section 1104.5.2 except:

- 1) A ground sign within ~~five hundred (500)~~ six hundred (600) feet of Interstate 45 may be constructed to a height not to exceed forty-two and one-half (42-1/2) feet;

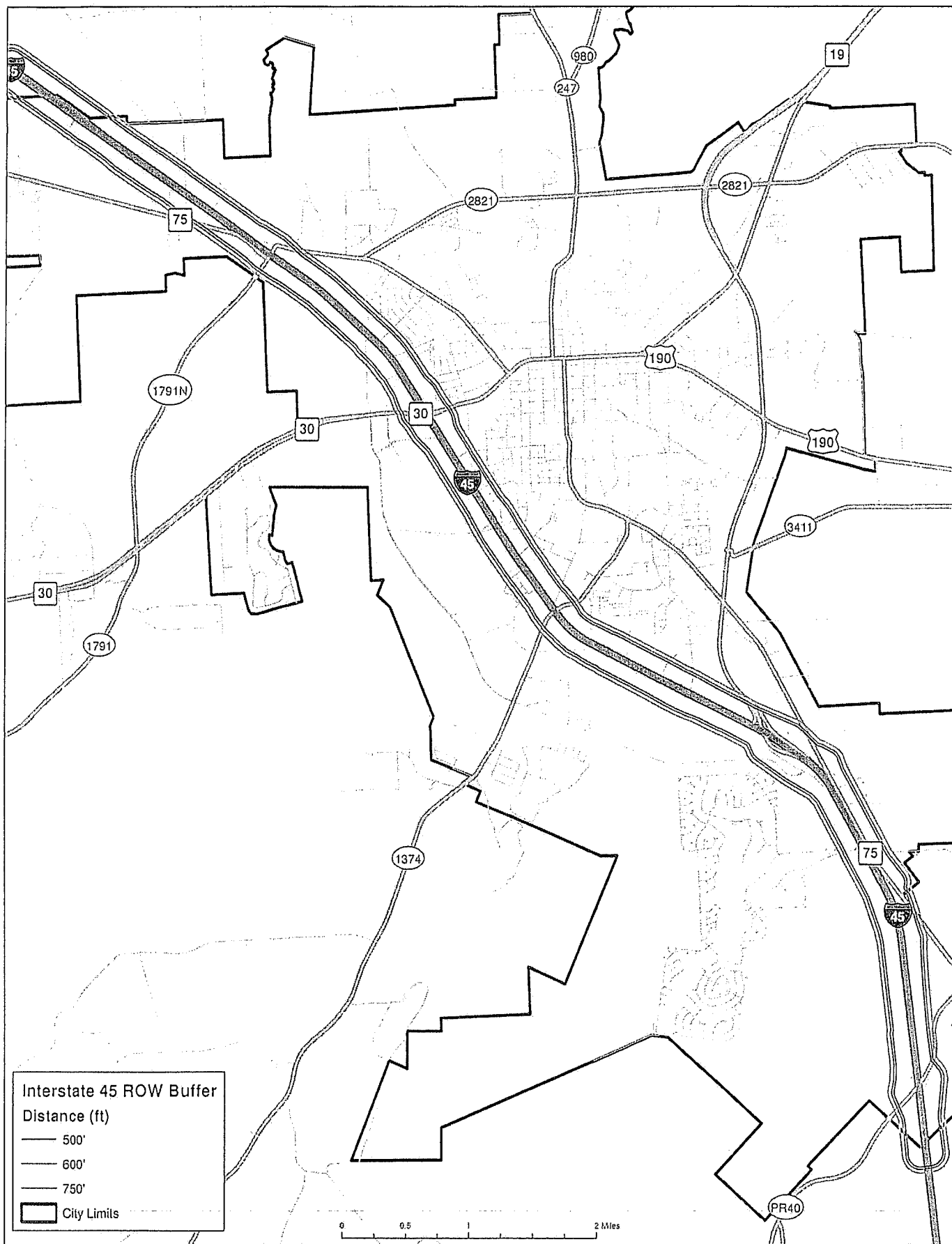
## **STAFF RECOMMENDATION:**

*As the Comprehensive Plan is currently written, no guidance is given in regards to signs. Based upon the current code allowing for the ability of consumers to advertise in a*

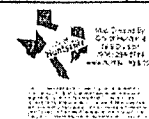
*manner consistent with the existing code, staff recommends leaving the Development Code as currently written.*

**ATTACHMENTS:**

Map (reduced)



## Interstate 45 Signage



# City Council Meeting Agenda Item

Item Title:

**Changes to Chapter 2 of the Comp Plan**

Date:

6/15/2010

Agenda Item No.:

79

Requested By:

Aron Kulhavy, AICP, City Planner/Director of Public Works

Dept./Div:

716

Dept. Approval:

AK

## Issue/Item Description:

Consider a resolution on recommendation of the Planning and Zoning Commission for revisions to Chapter 2 Land Use and Community Character of the Huntsville Horizon Comprehensive Plan.

## Background:

- The City Council voted to remove Chapter 2 of the Comprehensive Plan and to replace it with a copy of the current zoning map and a description of the existing zoning districts.
- In order to amend the Comprehensive Plan, a public hearing must be held and a recommendation from the Planning Commission is required
- The Planning and Zoning Commission held hearing and voted for recommendation of removal at their meeting on October 15, 2009
- The Planning and Zoning Commission has also directed staff to make revisions to the original Chapter 2 to include items still viable and to work through the draft for future recommendations to the Council
- The City Council voted on November 12, 2009 to remove Chapter 2 of the Comprehensive Plan and to replace it with a copy of the current zoning map and a description of the existing zoning districts
- The Planning and Zoning Commission began reviewing the original version of Chapter 2 in January of 2010
- The Commission went through the Chapter line-by-line to remove those items that were not desirable in the Chapter and to make revisions to language in the portions of the Chapter to remain
- The Planning and Zoning Commission held hearing and voted unanimously to recommend approval of the revisions to Chapter 2 Land Use and Community Character on May 20, 2010

## Facts to Consider:

- Since January 2010, P&Z has worked with Staff to revise Chapter 2
- The Comprehensive Plan serves as the foundation for the Development Code and changes to the Code should have their foundation in the plan
- Several priorities were identified for changes to the Development Code and the work done in revising the Plan has aided the Commission in preparation for those changes
- The P&Z held a hearing on May 20, 2010 and voted unanimously for approval of the recommended revisions to Chapter 2.

## Fiscal Impact/Funding Source(s):

N/A

**Attachment(s):**

- Draft Copy of the revisions to Chapter 2 -under separate cover

**Recommendation(s):**

- The Planning and Zoning Commission unanimously voted to recommend approval of the revisions to Chapter 2 of the Huntsville Horizon Comprehensive Plan.

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**MOTION:** ☐

**SECOND:** ☐

**VOTE:**

☐ **PRESENTED**

☐ **APPROVED**

☐ **DECLINED ACTION**

☐ **TABLED**

☐ **OTHER**



## **RESOLUTION 2010-28**

### **A RESOLUTION OF THE CITY COUNCIL AMENDING THE HUNTSVILLE HORIZON COMPREHENSIVE PLAN BY AMENDING CHAPTER 2, LAND USE AND COMMUNITY CHARACTER AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION.**

**WHEREAS**, a copy of the comprehensive plan, which includes the text, maps, charts and any other items which form the whole of the comprehensive plan and is available for public view in the City Hall offices, the City of Huntsville Library, the City of Huntsville Service Center, and the City of Huntsville Web site;

**WHEREAS**, The City Council, through its action of April 10, 2007, approved resolution 2006-04-10.2 adopting the Huntsville Horizon Comprehensive Plan;

**WHEREAS**, The City Council, through its action of July 21, 2009, requested that Chapter 2, Land Use and Community Character of the Huntsville Comprehensive Plan be removed and replaced with a copy of the current Zoning Map and a description of the existing zoning districts;

**WHEREAS**, The City Council, through its action of November 12, 2009, approved resolution 2010-7 removing Chapter 2 of the Huntsville Horizon Comprehensive Plan and replacing it with a copy of the existing zoning map and a description of the zoning districts;

**WHEREAS**, subsequent revisions to Chapter 2 of the Comprehensive plan were drafted to address land use and community character issues throughout Huntsville;

**WHEREAS**, the Planning and Zoning Commission held public hearing for the revision of Chapter 2 of the Comprehensive Plan on May 20, 2010, recommended approval of the revision;

**WHEREAS**, a hearing before the City Council at which the public was given the opportunity to give testimony and present written evidence was held on June 15, 2010;

**WHEREAS**, City Council finds the amending of Chapter 2 of the Huntsville Horizon Comprehensive Plan to be beneficial to the health, safety and general welfare of the citizens of the community;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS THAT**, the Huntsville Horizon Comprehensive Plan, a copy of said amendments is attached to the original of this Resolution as Exhibit "A"

and incorporated herein as if set out verbatim, is hereby amended as a primary planning tool in the City of Huntsville, Texas.

PASSED AND APPROVED this 15th day of June, 2010.

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J. Turner, Mayor

ATTEST:

\_\_\_\_\_  
Lee Woodward, City Secretary

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Leonard Schneider, City Attorney